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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. Eternal God, Who stretches out the heavens and rules over land and sea, You keep Your promises to us. You restore power and glory to those who return to You. Our enemies stumble at the sound of Your footsteps. You give strength to the faint and endurance to the weary. Arise, O God, and show Yourself strong in these grand and awful times.

Reveal Yourself to our Senators that they may find hope in Your might. Remind them that the battles belong to You and not to them. Teach each of us that humanity simply cooperates with divinity in accomplishing Your purposes.

Be exalted, O Lord, among the nations until Your kingdom shall reign wherever the sun in its successive journey returns. May Your kingdom never end.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2004.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today is the final day prior to the July 4 recess. I expect we will be in for a short period of morning business to allow Members to make statements. However, as we announced yesterday, there will be no rollcall votes today.

In addition, today is the final day to submit statements for the RECORD regarding the passing of our former President, Ronald Reagan. Again, these statements will be included in a book containing all of the tributes and services of 2 weeks ago.

This past week has been a challenging week, but as we discussed yesterday in the Senate, it was a satisfying week in that we have been able to complete two very important pieces of legislation, the Defense authorization and the Defense appropriations bills.

Today we still expect to clear for confirmation many of the pending ambassadorial nominations. I will be consulting with the Democratic leadership again this morning on these important diplomatic posts. We hope to have that confirmed prior to our adjournment. I will have more to say as to the schedule when we return after the break a little bit later this morning prior to closing.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

RETURN SCHEDULE

Mr. REID. The question was asked six or seven times last night as we were leaving. Tuesday, when we come back, the leader has indicated there will be a vote sometime after 2:30. Those from the West are wondering if that might be closer to 5 o'clock. Has the leader made a decision on that?

Mr. FRIST. Mr. President, we will have a decision made before we close down this morning. We are right now looking at the schedule. That day we will likely be scheduling a judge, which will require some debate prior to that. For right now, what we have said is that vote will not occur before 2:30, Tuesday, July 6. We will modify that based on discussions.

Mr. REID. On our side, the Democratic leader has indicated he will hold the regular caucus on Tuesday. Do you plan to do the same thing?

Mr. FRIST. Mr. President, that is correct. We have announced to our caucus, as well, we will hold our policy lunches, our caucus lunches, on Tuesday. Tuesday will be a full day. We will be coming in Tuesday morning, in all likelihood, at 9:30 Tuesday morning. It will be a full and hopefully very productive day.

That week we are going to class action which we agreed to. Hopefully we will have one judge and go straight to class action. We will spend next week on class action. With so few legislative days when we come back after the recess—we have a total of 3 weeks, but we are not going to have that first

Monday—we have a lot to do in that 2¾ week session. Therefore, we will have to be pushing hard on Tuesday, Wednesday, Thursday, and Friday of that week.

DARFUR

Mr. FRIST. Mr. President, I mentioned last night the importance of this African Growth and Opportunity Act which we passed last night. In my comments, I also mentioned a restatement of my earlier comments in the day, a restatement of what has been said again and again on the floor. That is that we as a country and we as a world community need to focus attention on the Darfur region of Africa, of the Sudan in Africa.

Africa is a huge continent and a lot of people do not realize how big Sudan is. It is huge. When we say Darfur region, the Darfur region is the western part of the Sudan. If you look at the continent, it is almost in the middle of the continent of Africa. The Darfur region is huge. It is about the size of Texas.

Over the last year and a half, because it started as a civil war, militias fighting, government supporting the militias there, we have 2 million people in this region of Darfur, the size of Texas, who have been affected, 1.2 million people displaced, driven away from their homes, driven away from the land they might farm or, if they are herders, that they might herd animals on, families destroyed. A lot of people are fleeing west to, Chad, 30 or 40 kilometers away, to refugee camps. There are about a million displaced inside the Darfur region but away from their homes, away, many times, from their families and any chance of livelihood.

The rainy season has begun there. It began a few weeks ago and will continue. As the rainy season continues, conditions get worse and worse. Roads at that point cannot be traversed so we cannot get enough food going in. There is very little in the way of health supplies going in. We need to bring attention to that part of the world. The world needs to shine a spotlight on it.

I was delighted Secretary Powell announced yesterday he will be going to that part of the world. I understand Secretary General Kofi Annan also will be going to that part of the world, to bring increased attention on behalf of the Congress, with 200,000 people dead from what is happening there. They are dying.

Statistically, they are dying from disease: respiratory disease, waterborne disease, diarrheal disease, malaria, and a little bit of measles. Now, with the fighting, it may well be that the No. 1 cause of death there is the actual fighting.

Right now we are not able to get in sufficient aid. Aid and support is being restricted by the government in Khartoum. There is plenty of aid. The world community is ready to go in there, but right now there is a restriction by the government.

I am going to keep mentioning this issue on the floor at every opportunity because we have a chance to reverse this travesty. We are going to do that. Every opportunity we have as public officials, in interacting with the international community, we need to continue to put pressure on the government of Khartoum to recognize the travesty, the devastation that is going on in that country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Democratic leader is recognized.

ARE AMERICANS BETTER OFF WITH REGARD TO HEALTH CARE?

Mr. DASCHLE. Mr. President, on a recent visit to South Dakota, I met a couple that impressed me a great deal. Their names are Lowell and Pauline Larson.

Throughout their life together, Lowell and Pauline farmed 160 acres just outside of Chester, SD. After a lifetime of hard work, they were looking forward to a well-earned retirement together.

But 2 years ago, Pauline suffered a stroke. Before the Larsons knew it, they had incurred $40,000 in medical bills. Even though they had insurance, it only covered $75 a day of Pauline's hospital costs. So Lowell did the only thing he could. He sold all his farm equipment and his cattle to pay the bills.

All they are left with is the deed to their farm, and if Pauline suffers another stroke, or if the MS she has been battling for the past 15 years gets worse, the Larsons know they may have to sell their farm.

I wish I could say that the Larsons' story came as a surprise to me, but it did not.

For the past 4 years, stories like the Larsons' have become commonplace. I've heard from businesses that have been forced to cut back on benefits or lay off workers in order to pay for escalating insurance premiums.

I have heard from retirees who have seen their life savings evaporate due to the skyrocketing cost of prescription drugs.

I have heard from families forced to sell the businesses or farms that have sustained their families for generations, because a child got sick and insurance just wouldn't pay for it.

I have heard from veterans who have been forced off the rolls of the VA and have nowhere else to turn for care.

I have heard from Native Americans forced to undergo a literal ''life or limb'' test to receive care at Indian Health Service facilities.

I have heard from National Guard members who face losing their health coverage once their Iraq deployment ends. And I have heard from citizens from all walks of life who can't afford the high cost of insurance, and who live in constant fear that an illness or an injury could throw them and their families into bankruptcy.

It's no mystery what is happening. Americans are being caught in the undertow of historic increases in the cost of health care.

Millions have lost their insurance. Tens of millions more know that they are just one layoff, or one illness, away from a life of poverty and poor health.

In this election year, as with every election year, Americans are asking themselves, ''Am I better off than I was 4 years ago?''

With the cost of doctors' visits, prescription drugs, and monthly insurance premiums moving farther out of reach, the answer for most of us is clearly no.

America is enduring a health care crisis that is deepening with each passing month. And after four years of inattention from the White House, it is clear that when it comes to health care, as a nation, we are significantly worse off than we were just four years ago.

The scope of this crisis is staggering.

Since 2001, the amount workers are paying for their family coverage has increased by 50 percent, and the average premium for family health care is now above $9,000 per year. Prescription drug costs rose at four times the rate of inflation last year alone.

Both businesses and workers are feeling the squeeze. And, as a result, we have seen unprecedented increases in the number of uninsured.

Each month since January 2001, an average of 100,000 Americans have lost their health insurance. Today, 44 million Americans have no health insurance whatsoever. The problem is even worse among minority communities. One in six Asian and Pacific Americans lacks insurance. For African Americans, it is one in five. For Latino Americans, it is one in three.

As startling as these numbers are, they do not include the tens of millions more who shuttle on and off the insurance rolls depending on unpredictable work schedules.

Nearly 82 million people lacked insurance at some point in the last 2 years.

The impact of losing health insurance can be catastrophic—for uninsured individuals, for families, and for our Nation as a whole. According to the National Institute of Medicine, children and adults without health insurance are less likely to receive preventive care and early diagnosis of illnesses. They live sicker and die younger than those with insurance.

Eighteen thousand Americans die prematurely each year because they lack health insurance.

Families suffer emotionally and financially when even one member is uninsured. Communities suffer as the cost

of uncompensated care is shifted onto doctors, hospitals, and taxpayers.

And our Nation pays a steep economic cost. The Institute of Medicine estimates that lack of health insurance costs America between $65 billion and $130 billion a year in lost productivity and other costs.

Making the high cost and growing inequities even more troubling is that on the whole, we seem to be getting less for our health care dollar than we should be.

The World Health Organization recently reported that Americans pay twice as much per capita for health as the average industrialized nation. We pay a third more than the next-highest country. But despite the high costs, we are not getting any bang for our buck.

Among industrialized nations, Americans' life expectancy is only 24th, and we have one of the highest infant mortality rates in the world.

We may pay twice as much, but we don't even get in the top 20 when it comes to mortality or life expectancy.

The results of the past few years beg the question, ''How can we be paying the highest costs and getting so meager a return.'' In short, where is all the money going? Who is better off today?

A recent article in the Economist offered one answer.

Noting that profit margins for health insurers are as high as they have ever been, the article notes:

> Since [2000], the prices of many [health insurers' stocks] have quadrupled. And if shareholders have done well, executives have been more than amply rewarded. . . .

One CEO earned $30 million in pay in 2003 and exercised $84 million in stock options from earlier years. This left him with options worth $840 million at the company's current share price. His second-in-command earned $13.7 million in compensation and holds options worth $350 million. Another CEO of a leading insurer earned $16 million; yet another, $51 million; and still another, $27 million.

While insurers and their executives are reaping billions, and Americans are fearing that their benefits will be the next to be sacrificed for the sake of even higher profits, the administration has done nothing to rein in the cost of health care. In fact, in the recently enacted Medicare bill, the administration included tens of billions of dollars in giveaways to HMOs, not to mention the windfall created for prescription drug companies.

The proposals the administration has offered would extend coverage only to a small fraction of Americans who lack insurance today. Often, their solutions extend meager coverage to a small number of vulnerable Americans at the expense of a larger group.

For instance, according to the Congressional Budget Office, the President's plan to create ''association health plans'' would decrease the number of uninsured Americans by only about 600,000 people. Six hundred thousand out of nearly 44 million. But it would increase premiums for 80 percent of employees of small businesses. The administration's band-aid approach to our health care crisis won't work. It is the wrong treatment, and its cost would preclude us from affording the right one.

The results of the administration's so-called solutions can be seen each month as more Americans lose their insurance or feel themselves pushed closer to the point where the cost of coverage is too large a burden to bear.

As a nation, we are not better off than we were four years ago. We are losing ground. We can do better. But to do so will demand a change in direction. We need to reject the notion that we are helpless to control health care costs.

We need to reject the notion that with a little tinkering around the edges, our health care system can offer the kind of care every American deserves. Most of all, we need to reject the notion that the primary purpose of our health care system is to provide profits for health care companies and the drug industry.

That is wrong. That is the thinking that brought us to the point where families such as the Larsons are forced to turn over the proceeds of their life's work, just to pay the bill for treating a single illness.

There are better answers, and working together we can find them. We can find ways to ensure that every American is able to see a doctor when he or she is sick. We do not have to be the only major industrialized nation in the world that fails to guarantee health care for all its citizens.

We can do better, and none of us should rest until we do.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Kansas is recognized.

THE REAGAN CULTURAL DOCTRINE

Mr. BROWNBACK. Mr. President, I rise today to speak on a topic called the Reagan Cultural Doctrine.

Presidents are noted for foreign policy doctrines which they articulate and put forward. President Reagan had his own noteworthy and very successful foreign policy doctrine, the Reagan Doctrine, involving the confrontation with communism that led to its ultimate demise. President Reagan is to be credited and given great praise for it.

But President Reagan had another doctrine I want to speak about today, the Reagan Cultural Doctrine, which I think it would be fitting for us to acknowledge and press forward to its successful completion.

President Reagan respected each and every human life at whatever stage of that life and wherever it was located. This was a unifying theme that lay behind some of his most significant policy choices and movements. It led him to insist that the Soviet empire was evil and to demand of the new Soviet leaders that they ''tear down this wall.''

It was what led him to note that ''until and unless someone can establish the unborn child is not a living human being, then that child is already protected by the Constitution which guarantees life, liberty, and the pursuit of happiness to all of us.''

That is a direct Reagan quote.

Toward the end of his Presidency on January 14, 1988, President Reagan took the opportunity to clearly articulate the Reagan cultural doctrine, a very simple yet profound Presidential Declaration. President Reagan proclaimed and declared ''the inalienable personhood of every American from the moment of conception until natural death.''

I ask unanimous consent that a copy of President Reagan's January 14, 1988 Presidential declaration on the inalienable personhood of the unborn be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION 5761 OF JANUARY 14, 1988

NATIONAL SANCTITY OF HUMAN LIFE DAY, 1988

(By the President of the United States of America)

America has given a great gift to the world, a gift that drew upon the accumulated wisdom derived from centuries of experiments in self-government, a gift that has irrevocably changed humanity's future. Our gift is twofold: the declaration, as a cardinal principle of all just law, of the God-given, unalienable rights possessed by every human being; and the example of our determination to secure those rights and to defend them against every challenge through the generations. Our declaration and defense of our rights have made us and kept us free and have sent a tide of hope and inspiration around the globe.

One of those unalienable rights, as the Declaration of Independence affirms so eloquently, is the right to life. In the 15 years since the Supreme Court's decision in Roe v. Wade, however, America's unborn have been denied their right to life. Among the tragic and unspeakable results in the past decade and a half have been the loss of life of 22 million infants before birth; the pressure and anguish of countless women and girls who are driven to abortion; and a cheapening of our respect for the human person and the sanctity of human life.

We are told that we may not interfere with abortion. We are told that we may not ''impose our morality'' on those who wish to

allow or participate in the taking of the life of infants before birth; yet no one calls it ''imposing morality'' to prohibit the taking of life after people are born. We are told as well that there exists a ''right'' to end the lives of unborn children; yet no one can explain how such a right can exist in stark contradiction of each person's fundamental right to life.

That right to life belongs equally to babies in the womb, babies born handicapped, and the elderly or infirm. That we have killed the unborn for 15 years does not nullify this right, nor could any number of killings ever do so. The unalienable right to life is found not only in the Declaration of Independence but also in the Constitution that every President is sworn to preserve, protect, and defend. Both the Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life without due process of law.

All medical and scientific evidence increasingly affirms that children before birth share all the basic attributes of human personality—that they in fact are persons. Modern medicine treats unborn children as patients. Yet, as the Supreme Court itself has noted, the decision in Roe v. Wade rested upon an earlier state of medical technology. The law of the land in 1988 should recognize all of the medical evidence.

Our Nation cannot continue down the path of abortion, so radically at odds with our history, our heritage, and our concepts of justice. This sacred legacy, and the well-being and the future of our country, demand that protection of the innocents must be guaranteed and that the personhood of the unborn be declared and defended throughout the land. In legislation introduced at my request in the First Session of the 100th Congress, I have asked the Legislative branch to declare the ''humanity of the unborn child and the compelling interest of the several states to protect the life of each person before birth.'' This duty to declare on so fundamental a matter falls to the Executive as well. By this Proclamation I hereby do so.

Now, therefore, I Ronald Reagan, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim and declare the unalienable personhood of every American, from the moment of conception until natural death, and I do proclaim, ordain, and declare that I will take care that the Constitution and laws of the United States are faithfully executed for the protection of America's unborn children. Upon this act, sincerely believed to be an act of justice, warranted by the Constitution, I invoke the considerate judgment of mankind and the gracious favor of Almighty God. I also proclaim Sunday, January 17, 1988, as National Sanctity of Human Life Day. I call upon the citizens of this blessed land to gather on that day in their homes and places of worship to give thanks for the gift of life they enjoy and to reaffirm their commitment to the dignity of every human being and the sanctity of every human life.

In witness whereof, I have hereunto set my hand this 14th day of January, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

RONALD REAGAN.

Mr. BROWNBACK. Mr. President, our Nation cannot be the ''shining city upon the hill'' without the respect and recognition of the inalienable personhood of every American from the moment of conception until natural death. Reagan realized and declared this. The Reagan Cultural Doctrine is synonymous with the culture of life. President Reagan's commitment to the culture of life was evident from the first days of his Presidency.

In recent days, some have implicitly questioned President Reagan's commitment to the inalienable personhood of every American by suggesting that destructive embryonic stem cell research should be conducted in President Reagan's name. And here we are not talking about adult stem cell research or umbilical cord blood which are supported by virtually everybody and are producing true results—here we are talking strictly about destructive embryonic stem cell research which results in the death of a young human embryo after its conception.

To suggest that this should be conducted in President Reagan's name is a completely contrary view of the Reagan Cultural Doctrine. It is a misappropriation of President Reagan's legacy, and it is damaging to the culture of life that President Reagan was so steadfast in defending. It is an assault on the Reagan Cultural Doctrine.

As former Reagan National Security Adviser and Interior Secretary William Clark noted in the New York Times recently,

Ronald Reagan's record reveals that no issue was of greater importance to him than the dignity and sanctity of all human life. ''My administration is dedicated to the preservation of America as a free land,'' he said in 1983. ''And there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.'' One of the things he regretted most at the completion of his Presidency in 1989, he told [William Clark], was that politics and circumstances had prevented him from making more progress in restoring protection for unborn human life.

Continuing in his New York Times piece, Clark then addressed Reagan's early efforts to protect innocent human life through halting Federal efforts on destructive research involving human embryos. Here we find that President Reagan himself pushed to stop destructive human embryonic research.

Clark says:

Reagan consistently opposed federal support for the destruction of innocent human life. After the charter expired for the Department of Health, Education and Welfare's ethical advisory board—which in the 1970s supported destructive research on human embryos—he began a de facto ban on federal financing of embryo research that he held to throughout his presidency.

I ask unanimous consent a copy of William Clark's June 11, 2004, New York Times op-ed piece titled ''For Reagan, All Life Was Sacred,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 11, 2004]

FOR REAGAN, ALL LIFE WAS SACRED

(By William P. Clark)

PASO ROBLES, CALIF.—Ronald Reagan had not passed from this life for 48 hours before proponents of human embryonic stem-cell research began to suggest that such ethically questionable scientific work should be promoted under his name. But this cannot honestly be done without ignoring President Reagan's own words and actions.

Ronald Reagan's record reveals that no issue was of greater importance to him than the dignity and sanctity of all human life. ''My administration is dedicated to the preservation of America as a free land,'' he said in 1983. ''And there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.'' One of the things he regretted most at the completion of his presidency in 1989, he told me, was that politics and circumstances had prevented him from making more progress in restoring protection for unborn human life.

Still, he did what he could. To criticize the Roe v. Wade decision on its 10th anniversary in 1983, he published his famous essay ''Abortion and the Conscience of the Nation'' in The Human Life Review. ''We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life,'' he wrote. He went on to emphasize ''the truth of human dignity under God'' and ''respect for the sacred value of human life.'' Because modern science has revealed the wonder of human development, and modern medicine treats ''the developing human as a patient,'' he declared, ''the real question today is not when human life begins, but, What is the value of human life?''

In that essay, he expressly encouraged continued support for the ''Sanctity of life ethic'' and rejection of the ''quality of life ethic.'' Writing about the value of all human life, he quoted the British writer Malcolm Muggeridge's statement that ''however low it flickers so fiercely burns, it is still a divine flame which no man dare presume to put out, be his motives ever so humane and enlightened.'' And in the Roe v. Wade decision, he insisted, the Supreme Court ''did not explicitly reject the traditional American idea of intrinsic worth and value in all human life; it simply dodged the issue.''

Likewise, in his famous ''Evil Empire'' speech of March 1983—which most recall as solely an indictment of the Soviet Union—Ronald Reagan spoke strongly against the denigration of innocent human life. ''Abortion on demand now takes the lives of up to one and half million unborn children a year,'' he said. ''Unless and until it can be proven that the unborn child is not a living entity, then its right to life, liberty, and the pursuit of happiness must be protected.''

His actions were as clear as his words. He supported the Human Life Amendment, which would have inscribed in the Constitution ''the paramount right to life is vested in each human being from the moment of fertilization without regard to age, health or condition of dependency.'' And he favored bills in Congress that would have given every human being—at all stages of development—protection as a person under the 14th Amendment.

Aside from the moral principle, President Reagan would also have questioned picking the people's pocket to support commercial research. He understood the significance of putting the imprimatur of the nation, through public financing, behind questionable research.

He consistently opposed federal support for the destruction of innocent human life. After the charter expired for the Department of Health, Education and Welfare's ethical advisory board—which in the 1970's supported destructive research on human embryos—he began a de facto ban on federal financing of embryo research that he held to throughout his presidency.

As for today's debate, as a defender of free people and free markets, he would have asked the marketplace question: if human embryonic research is so clearly promising as the researchers assert, why aren't private investors putting money into it, as they are in adult stem cell research?

Mr. Reagan's suffering under Alzheimer's disease was tragic, and we should do everything we can that is ethically proper to help others afflicted with it. But I have no doubt that he would have urged our nation to look to adult stem cell reserach—which has yielded many clinical successes—and away from the destruction of developing human lives, which has yielded none. Those who would trade on Ronald Reagan's legacy should first consider his own words.

Mr. BROWNBACK. Mr. President, I mean no disrespect to anyone in addressing this important issue, but we are talking about innocent young human life. Someone must speak for those who have no voice and for the great pro-life legacy of President Reagan now that he is no longer with us.

I would like to share the stories and memories of some of the Reagan revolutionaries who were privileged to interact with the President on this particular vital issue.

Just 2 days after his January 20, 1981, inauguration as President of the United States, Ronald Reagan made his personal commitment to pro-life issues clear. At a time when hundreds of people were waiting to meet the newly elected President in order to seek positions in his administration, the President made time for an unrelated meeting with pro-life leaders in Congress and the nonprofit sector. Senators Richard Schweiker and Jesse Helms were present at that meeting, as were Representatives HENRY HYDE and Bob Dornan.

This meeting, which was to become an annual policy meeting on the anniversary of Roe v. Wade, was tremendously significant. By 1980, the pro-life movement had been largely marginalized by previous administrations. But President Reagan's willingness to hold these meetings and to annually address the March for Life meeting by phone took the pro-life movement into the mainstream.

One participant in that first meeting noted that the President's personal conviction on the right to life for unborn children was obvious. The participant said:

President Reagan's deep commitment to pro-life issues was very evident when he spoke of viewing an inutero sonogram while he was Governor of California. It was moving to watch him speak. Clearly, he understood the life issue; it could be seen in his body language.

The quote continues:

There we were, two days after his inauguration. He didn't have to meet with us or do anything. Yet, he turned our 15 minute meeting into a 45 minute meeting.

President Reagan truly had great zeal for pro-life causes. I share in the sentiment made by long-time Reagan aide Michael Deaver, who made this observation in his political memoirs. Deaver noted the President's zeal in the section of his book dedicated to the March 30, 1981, assassination attempt on President Reagan. This was in reference to a meeting soon after with the late Cardinal Terrence Cooke of New York. Deaver overheard the President's final words of this meeting with Cardinal Cooke. Reagan said this:

I have decided that whatever time I may have left, is left for Him.

''Him,'' referring to God. Anyone who knew Reagan has to acknowledge that this statement was from the heart. It summed up his subsequent involvement in the great moral issues of the day.

Deaver concludes this section with his own thoughts after the death of Cardinal Cooke:

When Reagan was told of his friend's death, the president's words from their earlier meeting echoed in my mind. ''Whatever time I may have left is left for Him.'' I would never forget his promise, and I would see him deliver on it time and time again.

President Reagan's interest in life issues was not just convenient political positioning either. He actively wrestled with this issue. I will read a passage from ''What I Saw at the Revolution,'' political memoir of Reagan's speech writer Peggy Noonan.

Look at him on abortion. It took courage to oppose an option that at least 20 million Americans had exercised since Roe v. Wade, when the issue isn't a coalition builder but an opposition creator, when the polls are against you and the boomers want it and when you've already been accused of being unsympathetic to women and your own pollster is telling you your stand contributes to a gender gap. . . .

Let me continue now further with the book:

But he puzzled it out on his own, not like a visionary or an intellectual but like a regular person. He read and thought and listened to people who cared, and he made up his own mind. And suddenly when they said, ''The argument is over when life begins,'' he said, ''Well look, if that's the argument: If there's a bag in the gutter and you don't know if what's in it is alive, you don't kick it, do you? Well, no, you don't.

He held to his stand against his own political interests (where were the anti-abortion people going to go?) and against the wishes of his family and friends. Nancy wasn't anti-abortion, the kids weren't anti-abortion, and people like the Bloomingdales and his friends in Beverly Hills—they did not get where they are through an overfastidious concern for the helpless. He was the only one of his group who cared.

A lengthy quote from Peggy Noonan.

President Reagan did care deeply about the sanctity of life, and we know that he was actively engaged on this issue. One example of this was President Reagan's interest in the pro-life journal, the Human Life Review. We know the President read this journal because he actually wrote a letter responding to the heroic mother of a child with spina bifida who had written a letter that was published in the journal in the summer of 1982 edition.

In his letter to the mother the President wrote:

Your recent letter published in the summer issue of the Human Life Review came to my attention. I want you to know that I was deeply impressed by what you wrote and by the obvious commitment you and your family have made to respond to the affliction of a handicapped child with affection and courage.

I strongly believe that protection of these children is a natural and fundamental part of the duty government has to protect the innocent and to guarantee that the civil rights of all are respected. This duty is a special order when the rights involved are the right to life itself. . . .

After learning of President Reagan's interest in their pro-life publication through this letter, Jim McFadden of the Human Life Review invited the President to write an essay for publication in the journal. The President obliged, and thus his famous ''Abortion and the Conscience of the Nation'' was published in 1983. In this essay, President Reagan made some profound statements laying the groundwork for the Reagan cultural doctrine.

A copy of this essay may be found on the Human Life Review website at http://www.humanlifereview.com/reagan/reagan_conscience.html.

Mr. BROWNBACK. In the essay, President Reagan lays out the great cultural issues surrounding abortion. In one place, he notes:

We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life.

Embryo, fetus, infant, child, and adult are categories of human development, and they are all human life. Whether one is physically healthy or ill, emotionally healthy or ill, these are categories of human beings, and thus deserve protection. We should heed the words of President Reagan. All human life, no matter how it is categorized, should be esteemed and valued.

In his essay, President Reagan correctly argues that:

[A]nyone who doesn't feel sure whether we are talking about a second human life should clearly give life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it. I think this consideration itself should be enough for all of us to insist on protecting the unborn.

This, again, a direct quote from President Reagan on the Reagan Cultural Doctrine.

Then the President turns to discuss the real issue of the day. The President commented:

The real question today is not when human life begins, but, What is the value of human life?

That question remains today.

When President Reagan said, and those of us in the pro-life movement say, that human life begins at conception, we are speaking about biology, not ideology or belief.

I am concerned that there may be some confusion on this point today, perhaps as a result of misinformation being disseminated by those who favor destructive research on the youngest forms of human life.

A human embryo, an unborn child, or human fetus is, biologically speaking,

a young human life. To assert that it is not a life or that it is so-called potential life is not a scientific statement. To assert a human embryo is not a human life is a belief not supported by the facts, much in the same way that to say the Sun revolves around the Earth is a belief not supported by the facts.

Science is about the pursuit of truth in the service of mankind. Science tells us that the unborn child, from the moment of conception, is a human life.

That is why, in the debate over embryonic stem cell research, I continue to assert we must address the fundamental question of law: Is the young human embryo a person or a piece of property?

Our country has gotten this issue wrong before—notably, the 1857 Dred Scott case—but our system gives us an opportunity to rectify past wrongs. I suggest we base our laws on what science tells us, which is that the young human embryo is indeed a human life.

Anybody watching now was, at one point in time, a young human embryo. And if you were destroyed then, your life would not exist today. Those are the facts.

Unfortunately, not everyone in this debate is looking at biology. But once both sides acknowledge the scientific truth, that the young human embryo or unborn child is a human life, then we can start to address what Reagan posited as the real question: ''What is the value of a human life?''

In ''Abortion and the Conscience of a Nation,'' President Reagan lamented the case of Baby Doe, who was legally starved to death because he was mentally handicapped. In more recent times, we have the case of Terri Schiavo, who was saved from starvation. In that case, the American public, along with Florida Governor Jeb Bush, let their voices be heard that life is worth living. Those voices proclaimed that life—even if not the ''quality of life'' many would deem acceptable—still has incredible value. The value of every human life must be defended without exception.

To deny that a human embryo is a human life is to disregard what science tells us. It is to live willfully in ignorance.

In addressing his critics through the essay, President Reagan wrote:

> Obviously, some uninfluential people want to deny that every human life has intrinsic, sacred worth. They insist that a member of the human race must have certain qualities before they accord him or her status as a ''human being.'' . . . Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the ''quality of life'' ethic.

President Reagan concluded his essay with these words:

> My administration is dedicated to the preservation of America as a free land, and there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

''Abortion and the Conscience of a Nation'' was written by a man who was fully committed to the unalienable right to life from the moment of conception. And that man was President Reagan.

However, President Reagan did not stop at ''Abortion and the Conscience of a Nation.'' He had to withstand much political pressure to maintain his stance in defense of life.

A Reagan aide recalled the President's 1987 meeting with leaders of the pro-life movement. He wrote:

> In January 1987 the subject of parental consent for abortion came up as the groups met with the President in the Roosevelt Room. As you know, Ronald Reagan was a prodigious letter writer during all phases of his life and career, but he was also a prodigious letter reader and keeper. If a letter's contents appealed to him or struck a chord, he would keep it, use it in speeches, quote it to the media, etc. The letter he received from the young boy asking him if he was going to do his speech to the Congress ''in his pajamas'' after his recovery from the assassination attempt was one such example. Ronald Reagan loved to read samples of mail from the American people and called Anne Higgins to ask for it on Fridays if for some reason it was later than usual in getting to him. Meeting with the pro-life leaders that January day, he pulled from his left-hand jacket side pocket and read a letter he said he had held onto for many years. It was from a California mother who had written to him about the parental consent issue when he was governor in the early 1970's.
>
> Ronald Reagan read the letter to the entire group. The mother described her own family and the daughters she had raised, the sweat she had expended, the clothes she had washed and folded, the hurt knees she had bandaged, etc. She wrote that now the opponents of parental consent for abortion were telling her that they had a right to perform surgery on those daughters without so much as letting her know. ''Who do they think they are?'' went her refrain.
>
> The letter went on in this vein with other examples of the worries and stresses of loving parenthood, and the abrupt dismissal of that sacrifice by the [abortion providers] who think they know better when a child gets in trouble. Ronald Reagan read the letter through, folded it and put it back in his pocket, and said softly, ''Who do they think they are?'' You could have heard a pin drop.

The record could hardly be clearer. President Ronald Reagan vigorously worked to promote a culture of life, which included consistent opposition to destructive research on human embryos. It was and it remains the Reagan Cultural Doctrine. Witness after witness affirms this. It is important that the great moral stance President Reagan took be reaffirmed and boldly declared.

When we think of the great Presidential doctrines of the past, we think immediately of the foreign policy doctrines of Presidents Monroe and Truman—and, yes, Ronald Reagan. These doctrines have been and continue to be significant in defining American interests.

On January 14, 1988, President Reagan declared a new doctrine: the Reagan Cultural Doctrine. This doctrine is not about foreign policy; it is about something that especially defines us as a people. This doctrine speaks volumes, in the sense that it makes clear who we are and what we stand for as a people. It reaffirms the Declaration of Independence and the founding values that have been the source of America's greatness.

It is my hope President Bush will reissue the Reagan Cultural Doctrine on ''the unalienable personhood of every American, from the moment of conception until natural death,'' and that the Congress will reaffirm the Declaration of Independence and the Constitution by passing laws that will guarantee the right to life to every American conceived within the boundaries of this life-loving and freedom-loving land. That is the Reagan Cultural Doctrine.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Madam President, the Senate has been busy over the past 4 weeks. I thought I would take a few moments to look back and then look ahead a bit.

The Memorial Day recess seems like a long time ago because so much has been shaped by us—referring to the progress we have made in the last several days in particular—and shaped by the other external events, a steady stream of national and world-changing events.

To begin, I will start with two nights ago when, on Wednesday night, we passed the Defense Authorization Act for 2005; and late last night, not that long ago, we passed the Defense Appropriations Act of 2005. It is appropriate to look at those two bills together because both focus on supporting our troops, supporting our U.S. Government in its war on terror.

We had 4 weeks of impassioned debate on the floor of the Senate, and at the end of those 4 weeks we completed two very important pieces of legislation which very clearly augment the support for our troops that are stationed throughout the world and also reflect our profound commitment to the defense of the United States of America, the defense of the citizens, the people, and the principles we stand for in this great country.

But we are at war. We see it daily; terrorists strike daily. It is these two pieces of legislation that focus around support in this war on terror and in the defense of this country that we see our

efforts really come alive. They provide our troops with the resources they need to succeed in this noble mission both here at home and abroad.

The last several weeks were meaningful for me because this whole concept of supporting our troops came alive both last week when I visited the 101st Airborne down in Tennessee and Kentucky, but also 2 weeks prior to that when I had the opportunity, with two colleagues, Senator BOB BENNETT and Senator JOHN ENSIGN, to go to Kuwait and Baghdad in Iraq to visit our troops on the front line.

We visited with our troops in Kuwait and in Baghdad in clinics. We went to visit troops at hospitals. As a physician, I had the opportunity to talk to our physicians and nurses, who are doing such a tremendous job on the front line, taking care of people who have been injured by the terrorist activity. We had lunch with our troops; we had dinner with our troops. We spent a lot of time listening to and walking and talking with our troops on the front line. We learned a lot.

Given the savagery we wake up to every day and that occurs over the course of the day, which is reflected in our daily news media with the terrorist activity, before going over and preparing for my trip, I expected that when I went, I would find, possibly, a demoralized operation that would threaten to buckle at the next big terrorist event. I expected to come into contact with hopeless Iraqis, because you don't see the positive developments in our daily news here. I thought the Iraqis I met would be in despair with a lack of opportunity. I thought I might see that in them in terms of starting a new life or a freer life. Yet what we saw—and that is why it is so important for our elected representatives to go see this firsthand—is a country undergoing a dramatic rebirth. It is a rebirth fueled by faith and the importance of those principles—really the same principles we celebrated in tribute to Ronald Reagan 2 weeks ago: freedom, liberty, democracy. You can see it in the Iraqis' eyes when you have the opportunity to interact with them in a personal way. Democracy, freedom, and the rule of law are the principles they come back to with a lot of hope and optimism, understanding there are real challenges, which we are seeing every day along the way.

Prime Minister Alawi, who happens to be a physician, a neurologist, which is a nerve specialist in medicine, we had the opportunity to meet about 10 days after he had been chosen to be Prime Minister. Since that point in time, almost 3 weeks ago, you have begun to see his face on television. He has been speaking and saying to the Iraqi people that when these terrorists strike, it is not striking at the United States of America, not at the coalition, but the terrorists are striking and hurting the Iraqi people. They are trying to destroy the faith and belief in freedom and democracy and representative government. It is important that it is an Iraqi face that is telling the real story to the Iraqi people. According to the Prime Minister, the people are responding.

As Prime Minister Alawi said to us when we met in Baghdad, the radical Islamists and Saddamists—the loyalists to the old Saddam regime—who are conducting these attacks despise freedom. He said they hate freedom, despise it. They despise the rule of law.

The terrorists know that if democracy succeeds, they have lost; thus, we are going to see this increased activity of terrorism. We will see it, I am sure, over the next 5 days as we lead up to the turnover of sovereignty, and it will likely continue for a period of time, according to President al-Yawr of Iraq, as well as the Prime Minister. They say that is going to be the reality for a while.

But despite this terrorist activity—and this is what I think is important to share—there is much good news. A lot of progress has been made in the last year. Unemployment has been cut to nearly half. Bank deposits are up.

Inflation has been reduced by more than 50 percent.

Oil production is nine times higher than it was a year ago. Electricity is flowing. Forty percent more people have telephones and are using telephones today than during the Saddam Hussein era.

More than 1,200 medical clinics and over 240 hospitals—all the hospitals—are now up and running and operating today.

In the field of education, 2,400 schools have been rehabilitated. The Iraqi children are going to school on a daily basis.

Let me refer back to medicine. Over 85 percent of the children are immunized, which is actually higher than many urban areas in the United States of America.

So there is a lot of good news that is underway. We are moving in the right direction.

I also wish to mention what is becoming increasingly apparent to me, especially after traveling there, is the $18 billion we appropriated, we sent to Iraq to be spent, has not yet been spent. There are about $8 billion or $9 billion that has not been spent. The rest of it has been allocated but still not spent.

What we are likely to see over the next several weeks or months is acceleration in the flow of that money. That money goes into health, education, electricity, oil, infrastructure, microloans in support of the economy, and that infusion of money and resources will make a difference. It has just flowed too slowly over the last 6 to 8 months since we have appropriated it, and now that will accelerate. We are assured by those people who will be overseeing that money that the system is set up to allow that money to flow much more quickly, which will have a more dramatic, even greater, impact.

The test is here, though. This test of the turnover to sovereignty is before the Iraqi people. The Iraqis will face their first true test of sovereignty, and it is absolutely imperative that our troops be able to adequately support their Iraqi partners when asked to do so. Prime Minister Alawi, as well as President al-Yawar, made it very clear they need the continued support of the coalition during this turnover of sovereignty and in this period of transition, which will be months and maybe years, as they rebuild their own police forces and security forces, and that just simply takes time.

The Senate this week, by passing those two bills—the Defense authorization bill and the Defense appropriations bill—has acted on behalf of the American people to maximally support our troops, to maximally support this war on terror, and the passage of these two bills reflects our commitment to bring fundamental human rights and liberties to a ravaged and oppressed region of the world. That is real progress on the floor of the Senate, passage of those two bills in the last 72 hours.

Looking again over the last 4 weeks, a second area in which we made real progress is the judicial nominations. Since June 1, the Senate has confirmed 24 judges for positions in the U.S. Federal courts. The installation of these new judges is vital to the creation of a healthy and efficient Federal court system, and the United States is fortunate to have judges of such high caliber, supreme caliber now eligible to serve on the bench. So 24 more judges have been confirmed since June 1.

There has been real progress in a third field, and that is other nominations. Alan Greenspan was confirmed to another term as Chairman of the Federal Reserve, our former colleague, Jack Danforth, as our new Ambassador to the United Nations just this week, and John Negroponte as Ambassador to Iraq. Again, very important nominations have been addressed, judicially and in other fields.

In a fourth area, I will mention several measures. One is the Child Nutrition Act. My colleague from Mississippi, THAD COCHRAN, did a tremendous job in the Agriculture Committee with the Child Nutrition Act. It has not been on the front page that we passed that act. But in this particular bill is the School Lunch Program, the School Breakfast Program, the Summer Feeding Program, and the Women, Infants and Children, so-called WIC, nutritional program. An interesting statistic is that about 50 percent of all newborns today qualify for the WIC Program. It is an amazingly high number, but it shows the importance and significance of this program which has been extended.

Also, in this particular bill that Senator COCHRAN led through the Senate and was passed in the Senate is the application of nutritional standards which, as a physician, as one very interested in health, especially children's

health and infant's health, I think is very important.

In addition, we created the Department of Homeland Security headquarters. That is a first. That is at the Nebraska Avenue complex.

So we made real progress over the last 4 weeks. We have a lot of work—much work—to be done in the remaining days of the 108th Congress. As I said many times—in fact, I usually open and close with it each day—the number of legislative days remaining in this session is few, rapidly dwindling, and there are a whole range of issues we must address before November. The Senate must seize this week's momentum and be focused when we reconvene on July 6.

Very briefly, as we look ahead to when the Senate comes back, we will return to the consideration of class-action reform legislation. It is a very important piece of legislation. I had hoped initially to complete debate on this measure before the recess, but I accommodated concerns of my colleagues on the other side of the aisle who support this measure, and we postponed consideration of class action until we get back from the recess.

In fact, I should mention, just as a reminder, that this is my third attempt as majority leader to bring class action to the floor of the Senate. I moved to proceed to the bill in October, October 22. The other side of the aisle blocked us proceeding to that piece of legislation.

Secondly, I scheduled long in advance that we would come to class action on June 1, but I was asked by my Democratic colleagues, the ones who support this legislation, to postpone it and do not go to it June 1.

Thirdly, I have scheduled it for when we return on July 6. We have to address it at this juncture. We just have so few days left in this session that now is the time to address class action, and we will be addressing it when we come back. This is my third attempt to bring it to the floor of the Senate.

Every day all of us, although we may not think about it, as consumers are affected by increased prices due to either exorbitant lawsuits that do not make any sense or just frivolous lawsuits that may be reflected in the current class-action mechanism.

We set out in a bipartisan way to develop a very good bill that should have 62 votes or more, an overwhelming majority of the Senate. It is a very good bill that addresses appropriate class action reform. I stress, it is bipartisan. The bill we are bringing to the Senate floor is a bipartisan bill. I am looking forward to a healthy and honest debate and to ultimately pass this sorely needed reform.

I do want to thank my Republican and Democratic colleagues who have worked together to fashion the bill that, as I said, at least in conversations, the legislation has been written and has 62 or more votes at this juncture.

Looking ahead to next month, I have announced that the Senate will also debate the Federal marriage amendment. Certainly this is much anticipated legislation. I expect us to have a comprehensive and defining debate on this important issue. This issue is central, I believe, to understanding our country's values and identity. I initiate this process—and it is a constitutional process—in the Senate because I believe elected representatives, not activist judges, should be the ones who define this institution, which reflects the social fabric of our society. In large part, it is in response to what activist judges have taken upon themselves, and that is to radically redefine what marriage is. It is really in response to that that we are going to have this national discussion, and it is going to be right on the Senate floor.

In July, the Senate will also act on a trade issue, the U.S.-Australian Free Trade Agreement. This is important legislation. In passing this new legislation, the United States will inject almost a half billion dollars into our economy. This will continue to drive our own country's continuing economic growth.

A couple of issues that are down the track—they are not there yet, so we need to get all the way down the track if we are going to keep moving America forward. One is the transportation bill. That bill is in conference now. It is a very important bill that has to do with safety on our highways, creation of jobs, economic growth and prosperity in communities that depend upon good highways and good roads to facilitate commerce, and the list goes on. It is a bill that has been passed in the Senate and in the House. As people know, there are significant differences. My goal is to have those differences worked out in the conference and to send a bill to the President of the United States that he will sign.

To me, the exercise is really—I will not say worthless; it is always important to exercise, but if the President is not going to sign the bill, we are simply not going to accomplish what we want to in jobs, in economic prosperity, in safety issues related to our highways.

The second issue I will mention is the manufacturing jobs bill on the Senate floor. The FSC/ETI bill, as some people refer to it, really just centers on a very simple concept that we have a Euro tax, a tax that is imposed on the U.S. businesses right now that is increasing 1 percent a month, that this bill addresses. We have passed it in the Senate. The House has passed their bill. Now it is time for us to go to conference so we can work out the differences and eliminate the impact of this Euro tax on America.

So a lot has been accomplished over the last 4 weeks. I hope we can continue this momentum—in fact, we will continue this momentum—and come back from the recess with a commitment to serving America's best interest in a focused way.

The 1 week I left out of the last 4 weeks is the week we spent in tribute to Ronald Reagan, where we recognized the life and legacy of one of America's greatest Presidents. A little over 2 weeks ago, we paid our final respects to President Ronald Wilson Reagan. Over the course of the week, we had the opportunity to mourn the passing of this great American leader but also to celebrate the values for which he stood. There were countless tributes paid to President Reagan, his beloved wife Nancy, and to the entire Reagan family. All of those tributes helped us celebrate the memory of this optimistic, bold, and compassionate President. World and national leaders filed through this building, the Nation's Capitol, down the hallway behind me, to pay respects as the President lay in state. We had the opportunity to welcome many of those world and national leaders, but what was truly remarkable to me was to be able to be in my office or in the hallway and see the hundreds and then the thousands and then the tens of thousands of ordinary, regular, hard-working Americans who came to the Nation's Capital from all around the country, people who would drive hundreds, indeed thousands, of miles. People would get on an airplane and arrive at 10 at night to stand in line for 4 or 5 hours to pay their respects.

Throughout the week, our shining Capital City united peoples throughout the world, both those who could be here, those who watched on television, those who read the newspapers, and those who heard it on the radio. It united the American people and the world peoples in a way that is very rare. Indeed, it is the sense of national and global community that embodied the legacy of the 40th President, and though we said goodbye to the man, we carry forward his relentless faith in those values of freedom and democracy.

Later this afternoon, I will be traveling to the NATO Istanbul summit in Turkey in anticipation of this trip where international leaders will be gathering to look ahead and address the international climate. Couple that trip, my anticipation of what I will find and learn on that trip, with the summary I just gave and the events that occurred in the last 4 weeks in this country and on the floor of the Senate, I personally will be celebrating the Fourth of July with a renewed sense and appreciation for and faith in the ideals that are represented in the United States of America.

We have a lot of challenging days ahead, and we have a lot of exciting days ahead. We will continue honoring our country's great, bold, and storied legacy when the Senate reconvenes on July 6.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HABITAT FOR HUMANITY INTERNATIONAL

Mr. FRIST. Mr. President, it was 1976 in Americus, GA. Millard Fuller and his wife Linda had sold their possessions, given away their millions and rededicated themselves to their Christian faith. They had decided to express their faith by building homes for the poor. They believed, in their words, that:

What the poor need is not charity but capital, not caseworkers but co-workers. And what the rich need is a wise, honorable and just way of divesting themselves of their overabundance.

So they founded Habitat for Humanity International to build no-interest, no-profit homes for the poor and homeless.

Since then, the ecumenical, Christian-based organization has grown to serve 89 countries. It has built more than 150,000 houses providing more than three quarters of a million people with safe, decent, affordable shelter. Millard and Linda Fuller have taken a Biblical injunction and turned it into worldwide action.

Jack Kemp, former U.S. Secretary of Housing and Urban Development and a board member of the organization, says that, ''When I'm asked about housing success stories from our inner cities, the first group that comes to mind is Habitat for Humanity.''

I tell you all of this, because next month, I have the privilege of joining over two dozen volunteers in my home town of Nashville, TN, to help build a Habitat home for Anita Phillips, a single mom of three. Local businesses have donated supplies. Anita has taken out a no-interest mortgage. She will be working alongside us, hammering nails and hauling lumber. Anita calls her new Habitat home ''a gift from God.''

For nearly three decades, Habitat has shared the gift of homeownership with thousands around the world. Habitat helps organize local communities to pitch in and give hard working people like Anita the opportunity to build equity and pride.

In Tennessee, alone, Habitat has 52 affiliates and serves 61 counties. This year, Tennessee will celebrate building two thousand Habitat homes.

Social scientists tell us that homeownership is one of the most important economic and social investments we can make. Owning a home helps families build financial stability and wealth. It helps break the cycle of poverty as families accumulate equity.

Homeowners also become stakeholders in their communities. They become more invested in the civic life and health of their neighborhood. Their children are healthier and do better in school.

Owning ones' home also generates a sense of pride and belonging. It's a big responsibility, but those four walls belong to you.

I commend habitat for Humanity International for their tireless efforts. This past March, I was joined by over a dozen members from both sides of the aisle and both houses of Congress to build a home right here in the Nation's capital.

I encourage my colleagues to participate in Habitat builds in their home States, as well. It sends the message that Congress is committed to helping organizations like Habitat spread the good work.

This fiscal year, Congress has provided $27 million for the Self-Help Homeownership Opportunity Program. Also called, ''SHOP,'' the program requires homebuyers to contribute their labor to the construction or rehabilitation of their soon-to-be, new home. President Bush has requested $65 million for the next fiscal year to support the SHOP initiative.

Additionally, the 108th Congress passed, and President Bush signed into law, the ''American Dream Downpayment Act of 2003.'' This new program will help 40,000 families a year with their down payment and closing costs.

In the halls of Congress and in communities across America, we care about helping our neighbors fulfill the American dream.

Habitat for Humanity International has been at the forefront of the cause.

That is because through their faith and compassion, Millard and Linda Fuller realized decades ago that the working poor need a hand-up not a hand-out, and that a community is not just something you join, it's something you build.

HONORING BOB MICHEL

Mr. DURBIN. Madam President, yesterday I introduced legislation to name the Veterans Affairs Clinic in Peoria, IL, the Bob Michel Department of Veterans Affairs Outpatient Clinic in honor of former House Minority Leader Robert H. Michel.

Bob Michel's interest in veterans' affairs began when he served in the Army's 39th Infantry Regiment, fighting on Normandy Beach during World War II. Wounded by machine gun fire during the Battle of the Bulge, he was discharged from the military as a disabled veteran after earning The Purple Heart, two Bronze Stars, and four Battle Stars.

Michel began his life of public service in 1957, serving the citizens of the 18th District of Illinois in the House of Representatives. Because of his hard work and dedication to his constituents, he was elected minority whip and eventually House minority leader. He was also actively involved in the creation of several pieces of legislation that dealt with veterans' affairs, including a resolution that helped to remove obstacles to employment of partially disabled persons honorably discharged from the Armed Forces.

A veteran himself, Michel understood the need for quality health care for those who served in the military. He used his prominent position in the House of Representatives to lead the effort to establish a VA clinic in Peoria. The clinic he helped to create now serves up to 10,000 veterans a year, in as many as 12 counties in central Illinois. The clinic offers a variety of services for veterans, including medical and mental health services, ophthalmology, audiology and assistance for the homeless.

Representative RAY LAHOOD, who now holds the Congressional seat previously held by Bob Michel, has introduced companion legislation in the House. Representative LAHOOD's bill is supported by all House members of the Illinois delegation.

I hope that the Senate will act expeditiously in enacting this legislation. This bill will serve to honor Robert H. Michel who served our country through his service in the military and Congress.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On January 18, 1999, a carload of men in San Francisco, CA, allegedly threw a bottle at and taunted two gay men.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FOCUS HOPE'S MOBILE PARTS HOSPITAL

Mr. LEVIN. Madam President, earlier this week the U.S. Army held an awards ceremony honoring the Top Ten Greatest Inventions of 2003. Looking at each of these inventions, one is reminded of the technological innovation, ingenuity and entrepreneurial spirit that our Nation is able to harness in the global war on terror. These are among our Nation's greatest assets.

One of the Army's Top Ten Greatest Inventions of 2003 was the product of the U.S. Army Tank Automotive Research Development and Engineering Center, TARDEC, located in Warren, MI. This device, the Squad Automatic Weapon Pintle Mount Assembly for the Humvee is a gun mount that has been directly attributed with protecting and saving the lives of many of our soldiers who are currently deployed in Iraq.

This gun mount is a novel device that would not have been possible were

it not for another technological advance that has been developed by the U.S. Army TARDEC's National Automotive Center; Focus: HOPE, a Detroit-based non-profit; Alion; the Cleveland Advanced Manufacturing Project; and several other organizations.

The Mobile Parts Hospital, as its name implies, is a field deployable unit that can rapidly manufacture parts as they are needed. Utilizing the latest manufacturing and computer technologies, the Mobile Parts Hospital team has developed a mobile unit that can readily travel to any destination. By using parts specifications or by reverse engineering an actual part, this hospital can make parts as they are needed.

For the past several years, I have worked to fund research and development into this program in the hopes that this would one day be able to assist our men and women in uniform. It was hoped that these science and technology efforts would enable the Mobile Parts Hospital to reduce the need for carrying numerous parts into battle. Earlier this year, that vision became reality as the Mobile Parts Hospital and its crew team were deployed to Camp Arifjan, Kuwait. The success of the Mobile Parts Hospital far exceeded anyone's expectations. Not only did it create one of the Army's Ten Greatest Inventions for 2003, but it was immediately able to begin assisting units in need of parts.

Earlier this year, my brother, Congressman SANDER LEVIN, was able to speak directly with the mobile parts team in Kuwait from Washington, DC. During that conversation, he learned that as soon as the team arrived in Kuwait, they had soldiers lined up outside the Mobile Part Hospital seeking the parts and tools they needed to perform their duties.

By all reports, the soldiers came away impressed with the Mobile Part Hospital and grateful for its presence in Kuwait. Many soldiers and contractors have written to the Mobile Parts Hospital team thanking them for their work and for the hospital itself. One soldier wrote saying that:

Currently, I am stationed in Iraq and I was in need of some gun mounts. I made a stop by Camp Doha to pick up some supplies and drive them back up into Iraq. However, my unit is short some gun mounts. I stopped by Kevin Green's shop and asked him to help me out. He was very helpful. In fact, he produced 4 SAW [Squad Automatic Weapon] mounts and adaptors for our unit overnight. I was able to mount all of my weapons, which is very helpful when we are engaged with the enemy. I wanted to let you know that the mounts he is making are what we need and he is very helpful in what he is doing. Thank you.

Another soldier wrote saying that:

you have an excellent representative to your project here in Kuwait and your products are excellent quality, and in excellent working order, much better than what we are able to pull out of a retro yard, and I wish we would have had this service a year ago when we got here. You all have done a great service to the Army, and particularly, my guncrew . . . and for that, I thank you!!

Others wrote that due to the work of the Mobile Parts Hospital they were able to get their CH–47 helicopters ''fully mission capable for this task. We appreciate everything these guys have done for us. They have been more than cooperative and willing to help. They have been very professional, in person, and at their jobs.''

The Mobile Parts Hospital has been used to make new parts for many purposes and one contractor noted that:

A colleague saw new tools and asked if the Mobile Parts Hospital ''could manufacture similar tools. Not only did they agree to, but they also agreed to slightly modify their current design to meet . . . requests for modification of the tools.

I cannot say enough how appreciative I am of their help, timeliness, and professional demeanor. They are currently working under a heavy load due to the Army's decision to attempt to send only armored Humvee's to Iraq. They have been asked to make a VARIETY of parts for all manner of devices. As for my shop, we are currently inspecting and servicing .50 caliber machine guns (plus others) that are being sent to or with the warfighters in Iraq. Being able to save time, labor, and damage (incurred using the hammer and punch method), we are able to send the weapons out in a much more timely fashion.

I want to thank you for having the foresight to send this team of dedicated workers and I want to thank the men at the 'parts doctor' shop.''

Michigan has a long and proud tradition of serving as the ''Arsenal of Democracy.'' The Mobile Parts Hospital is just one of the latest examples of the ingenuity and innovation that has enabled our nation to succeed in past conflicts and guarantees our success in the future.

Developed in conjunction with Focus: HOPE, a non-profit organization committed to taking ''intelligent and practical action to overcome racism, poverty and injustice,'' and the National Automotive Center, the Mobile Parts Hospital has been a tremendous success. Both organizations are to be commended for their vision and their dedication to developing a practical tool for assisting our soldiers in combat, and making a lasting contribution to our national security.

For 35 years, Focus: HOPE has been helping people develop the skills they need to succeed professionally. Many of the candidates at Focus: HOPE, who are earning their Associate's or Bachelor's degrees, played a key role in developing the Mobile Parts Hospital. Focus: HOPE and the entire Mobile Parts Hospital team are to be commended for their efforts in making this project a success. In particular, I would like to honor the 9 team members who were at Camp Arifjan working with the Mobile Parts Hospital and supporting our troops. What follows is the list of their names: Todd A. Richman, Joe Shenosky, Kevin Ksiazek, Tim Ponzi, Robert Huffman, Greg Murnock, Kevin Green, Matt Middleton, and Greg Outland.

SOJOURNER TRUTH

Mr. LEVIN. Madam President, yesterday, I joined Senator CLINTON and 18 other Members of the Senate in introducing S. 2600, legislation calling for the revision of the group portrait monument, located in the Capitol Rotunda, honoring leaders of the Women's Suffrage movement to include the likeness of Sojourner Truth. Our bill has the support of Senators on both sides of the isle and is an appropriate step towards honoring Truth's contributions to eliminating women's suffrage.

In its current form, the monument features the sculpted busts of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony. As many know, one corner of the stone is unsculpted and was clearly intended to include a fourth hero of the suffrage movement. I believe that woman should be Sojourner Truth and that is why I have cosponsored this important piece of legislation.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day. She was a leader in the abolitionist movement, and a groundbreaking speaker on behalf of equality for women.

Sojourner Truth was born Isabella Baumfree in 1797 in Ulster County, NY, and served as a slave under several different masters. She bore four children who survived infancy, and all except one daughter were sold into slavery. Baumfree became a freed slave in 1828 when New York State outlawed slavery. She remained in New York and instituted successful legal proceedings to secure the return of her son, Peter, who had been illegally sold to a slave-owner from Alabama.

In 1843, Baumfree changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration west in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass. In October 1856, Truth came to Battle Creek, MI, with Quaker leader Henry Willis to speak at a Friends of Human Progress meeting. She eventually bought a house and settled in the area. Her antislavery, women's rights, and temperance arguments brought Battle Creek both regional and national recognition. Sojourner Truth died at her home in Battle Creek, MI, on November 26, 1883, having lived a truly extraordinary life.

Truth also lived in Washington, DC for several years, helping slaves who had fled from the South, and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

Sojourner Truth was a political and social activist who personally conversed with President Abraham Lincoln on behalf of freed, unemployed

slaves, and campaigned for Ulysses S. Grant in the Presidential election in 1868. Sojourner was a woman of great passion and determination who was spiritually motivated to preach and teach in ways that have had a profound and lasting imprint on American history.

I am proud and the people of my State are proud to claim this legendary leader. In September of 1999, Michigan honored Sojourner Truth with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, are indelibly etched in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world. In 1851, Sojourner delivered her famous ''Ain't I a Woman?'' speech at the Women's Convention in Akron, OH. She spoke from her heart about the most troubling issues of her time. Her words on that day in Ohio are a testament to Sojourner Truth's convictions and are a part of the great legacy she left for us all.

In closing, I must take a moment to pay special tribute to Dr. C. Delores Tucker, who has been the chief crusader in the movement to add Sojourner Truth to the Women's Suffrage group portrait monument. Dr. Tucker, President of the Bethune-Dubois Institute and Chair of the National Congress of Black Women, is a woman of strong conviction and is unyielding in her pursuits for justice and fairness. Because of her diligence and commitment, constructive efforts are now on the way to ensuring that Sojourner Truth will be shown in her rightful place, in our Capitol Rotunda. I must also commend the National Council of Women's Organizations for their active support of this legislation.

I ask unanimous consent that the text of S. 2600, including cosponsors, be inserted in the RECORD at the end of my remarks, following Truth's ''Ain't I a Woman'' speech.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIN'T I A WOMAN

(By Sojourner Truth)

Well, children, where there is so much racket there must be something out of kilter. I think that 'twixt the negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says women need to be helped into carriages, and lifted over ditches and to have the best place everywhere. Nobody ever helps me into carriages, or over mud puddles, or gets me any best place!

And Ain't I a Woman?

Look at me! Look at my arm! I have ploughed, and planted, and gathered into barns, and no man could head me!

And Ain't I a Woman?

I could work as much and eat as much as a man—when I could get it—and bear the lash as well!

And Ain't I a Woman?

I have borne five children and seen most all sold off to slavery, and when I cried out with a mother's grief, none but Jesus heard me.

And Ain't I a Woman?

Then they talk about this thing in the head; what's this they call it? (member of the audience whispers 'intellect') That's it, honey.

What's that got to do with women's right or negroes' rights? If my cup won't hold but a pint, and your holds a quart, wouldn't you be mean not to let me have my little half measure full?

Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a women?

Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

S. 2600

Mrs. CLINTON (for herself, Mr. LEVIN, Mr. DODD, Ms. CANTWELL, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. SANTORUM, Mr. LIEBERMAN, Mrs. BOXER, Mr. SPECTER, Mr. ALEXANDER, Ms. STABENOW, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. COLLINS, Mr. CORZINE, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL To direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Sojourner Truth was a towering figure among the founders of the movement for women's suffrage in the United States, and any monument that accurately represents this important development in our Nation's history should include her.

(2) The statue known as the Portrait Monument, originally presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote and presently exhibited in the rotunda of the Capitol, portrays several early suffragists who were Sojourner Truth's contemporaries, but not Sojourner Truth herself, the only African American among the group.

SEC. 2. REVISION OF WOMEN'S SUFFRAGE STATUE.

Not later than the final day on which the One Hundred Ninth Congress is in session, the Architect of the Capitol shall enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol (commonly known as the ''Portrait Monument'') to include a likeness of Sojourner Truth.

CORRECTION FOR THE RECORD

Mr. LEAHY. Mr. President, on June 23, 2004, I gave a statement on the Feingold amendment concerning the Inspector General of the Coalition Provisional authority. When it appeared in the RECORD, text was somehow inadvertently added to my statement. My statement should have ended after the sixth full paragraph of column three on page S7266. I can certainly understand how something like this could have happened as we were all working late into the night under very tight deadlines. This isn't the first time something like this has happened and I bet it won't be the last.

Of course, this is no fault of the good people of the Official Reporters of Debates. They do outstanding work and I know this will continue.

The following is how my statement should have appeared:

I rise today to express my strong support for the amendment offered by Senator Feingold.

Senator Feingold's amendment, which I am a proud co-sponsor, would allow the work of the Inspector General of the Coalition Provisional Authority (CPA–IG) to continue its work uninterrupted after the June 30 handover.

This is critical. Congress provided more than $18 billion to rebuild Iraq, roughly the same amount that we spend on the rest of the world combined. Congress jammed through the Iraq supplemental appropriations bill in an extremely short time, without a sufficient number of hearings, into a very chaotic environment without the usual financial controls.

Recognizing this reality, Congress created a strong, independent Inspector General to help police these funds.

In the months that followed passage of the Iraq Supplemental, we heard numerous reports of waste, fraud and abuse. If anything, this should have send a clear signal to the administration and Congress that we need more—not less—oversight of these funds. It defies logic, then, that the State Department is now proposing to weaken the one entity that Congress specifically tasked with keeping track of these tax dollars.

The State Department's plan could undermine the independence of this Inspector General and disrupt this important work, reducing Congress's ability to account for these funds. It's unlocking the vault to those who want to cheat us.

The State Department also has told the Appropriations Committee that it will have to create 25 new positions to handle the work in Iraq.

Let me get this straight. We want to close down an IG that has about 60 people in place, which are actively conducting audits and rooting out waste fraud and abuse.

After the administration is finished closing down that office, they will turn around and hire 25 new people to do the same work—only through at a lower level office at the State Department.

Why on Earth would we want to do this? At a time when we are hearing weekly reports of abuse by Haliburton and others, why would we want to re-invent the wheel? Why would we downgrade the status of the CPA–IG and undermine its independence? It just does not make any sense.

This is why the amendment offered by Senator from Wisconsin is so important.

This is why I support his amendment.

I thank the chair for allowing me to make this correction.

PEER-REVIEW PROSTATE CANCER RESEARCH PROGRAM

Mr. CRAPO. Mr. President, I rise today in support of the Department of

Defense, DOD, Peer-Review Prostate Cancer Research Program.

No one in this Chamber has been spared the tragedy of cancer taking the life of a family member or friend. Many of those lives, in fact, have been taken by prostate cancer, as it is the leading cause of cancer deaths in men. Because baby boomers are entering the risk age for prostate cancer at a rate of one every seven seconds, the 2 million men currently impacted by the disease are increasing at about every 8 percent per year. Still, lives can be saved and finding a cure can be accelerated.

The DOD Peer Review Prostate Cancer Research Program continues to prove to be a success and many new treatments to end the pain and suffering due to prostate cancer are on the horizon. That is why I support a $100 million earmark for fiscal year 2005.

The return on this investment is well worth it. In recent years, the DOD Breast Cancer Program funded groundbreaking research, such as the discovery of the drug Herceptin, which prolongs the lives of women afflicted with a particularly aggressive type of advanced breast cancer. In fact, Herceptin when used appropriately with chemotherapy increases the chances of survival by about 33 percent.

Those breakthroughs are possible in prostate cancer. This disease needs a Herceptin-like drug, and it is possible with adequate and fair funding for the DOD Peer Review Prostate Cancer Research Program.

This one-of-a-kind research program uses an innovative granting structure that brings scientists and consumers together to make key policy decisions about prostate cancer research. Since its inception eight years ago, this far-reaching, influential program has literally changed the way prostate cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded two key research grants, the Prostate Cancer Consortium Awards, which could help us unravel prostate cancer's challenge. These grants cover a 3-year period and are designed to produce an intervention—drug, device or procedure—to bring us all closer to finding a cure for this devastating disease.

This program is not only a shining example of streamlining effective research; it is an outstanding model for best business practices. Every penny spent by this program is accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research. This kind of efficiency and prudence in spending is unheard of in some of our Nation's best businesses and charities let alone other federally funded research programs and agencies.

According to reports of this business conscious program, the DOD Peer Review Prostate Cancer Research Program cannot conduct human clinical trials without the earmark funding of $100 million for fiscal year 2005. The program must help treat men, not just mice.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for Fiscal Year 2005 threatens both the funding and unique structure of the Prostate Cancer Peer Review Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rather than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill dismantles the unique accountability over research and seriously threatens the consumer-scientist driven integrity of the DOD prostate cancer research program. The proposal relieves the government of accountability while forcing cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this critical program for prostate cancer research.

ADDITIONAL STATEMENTS

HONORING CAPTAIN CHRIS CHRISTOPHER

• Ms. LANDRIEU. Madam President, I speak today to honor the service of CPT Chris Christopher, who is currently the Deputy Director for Future Operations, Communications and Business Initiatives at NMCI. Captain Christopher comes to this position after nearly 20 years of distinguished service to the Navy in the fields of aviation, public affairs and intelligence.

Captain Christopher has spent most of his life in New Orleans, and he has made a wonderful home there with his wife Patti and their two daughters. He received undergraduate and graduate degrees from the University of New Orleans, and his work with NMCI still brings him back to the UNO campus. Though he is now stationed in Virginia, his heart and family remain in New Orleans. As a Louisiana Senator, I like that!

Captain Christopher's work at NMCI has been truly outstanding. The Navy Marine Corps Intranet is a progressive project whose ultimate goal is to transform the Department of the Navy's computer networks. NMCI will revolutionize command and control efficiencies within the Navy, and between the services, to ensure that our forces are operating in unison. This will save American lives, increase combat readiness and effectiveness, and, ultimately, make us stronger. Under Captain Christopher's leadership, many of these goals have been brought closer to reality.

From June 20–23, Captain Christopher organized the 2004 Navy Marine Corps Intranet Symposium in New Orleans. This event was an opportunity for all parties involved in NMCI to continue their dialogue on reshaping information technology in the Navy and Marine Corps. Captain Christopher made this event happen and I have been informed that it was a complete success.

I once again want to thank my friend, CPT Chris Christopher, for his efforts on America's behalf. Future generations of sailors and Marines will no doubt reap the benefits of his labor and America will be safer as a result. I am proud of Chris's ''Louisiana-bred'' success, and I wish him well in his future endeavors.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

IN HONOR OF STEPHEN E. COLLINS

• Mr. KERRY. Madam President, I am proud to join family, friends, and colleagues in recognizing and celebrating the incredible life and dedicated work of Steve Collins. His tireless efforts on behalf of our disadvantaged citizens have greatly benefited the Commonwealth of Massachusetts and his fighting spirit is an inspiration to us all.

Steve began his career as an advocate for the importance of human services over 25 years ago, and has continued his passion for helping others ever since. His career history includes work at a mental health center for youth, supervision of the Uphams Corner Health Center in Dorchester, case management at Minuteman Home Care, and direction of the Alliance for the Mentally Ill of Massachusetts. Steve's most sweeping impact, however, has come through his work with the Massachusetts Human Services Coalition, where, after years of participation in the Coalition's efforts, he became Executive Director in 1999.

Steve comes from a family committed to working for the public good. He is the son of a high school teacher and a newspaper editor, and it was his father who from early on taught him to ''comfort the afflicted and afflict the comfortable.'' Taking this motto to heart, Steve has, for many years, been a voice for the voiceless citizens of Massachusetts by monitoring State policy and budgets and advocating for the vital services that aid the disadvantaged. With unwavering devotion, Steve has embraced his role as David to the sometimes Goliath government bureaucracy, and he has continually won tangible results.

Armed with an amazing ability to inject humor into his noble struggles, Steve calls upon governors and legislators to look more critically at the effects of their policies with events like

the '''State of the State We're Really In' Bake Sale.'' And while his criticisms are direct and his position unflinching, Steve has earned the respect of legislators and officials alike. He never compromises his vision and always works around-the-clock to mobilize support for the protection of human services.

Steve manages to forever remind us all that every citizen deserves respect, and with that recognition of human dignity comes the obligation to assist those in need. He serves as a voice for the most vulnerable in our society, and the utter importance of his life's work cannot be overstated.

There is no more noble goal than to serve others. Steve remains a loyal friend to those in need of his help, and he has never backed down from the challenge of defending them. I am honored by his ceaseless efforts and it is with respect and gratitude that I join in celebrating Steve's life, work, and innumerable contributions.●

HONORING BRIGADIER GENERAL WILLIAM ''BUNKER BILL'' KANE

● Mr. MILLER. Madam President, today I wish to pay tribute to BG William P. Kane, who on July 10, 2004, will complete nearly 6 years of command at Dobbins Air Reserve Base in Marietta, GA, and who will move on to command at Peterson Air Force Base, CO.

When we were young, many of us were exposed to the phrase ''you can do anything that you set your mind to.'' Some of us live out that desire by finding success as academics, others as scientists or politicians. Some of us find passion in the freedom of flight, while some of us thrive in the structure of the military. However, very few of us are able to test our limits and succeed in multiple areas. I stand before you to recognize one such person.

BG William P. Kane is the current commander of the 94th Airlift Wing at Dobbins Air Reserve Base, leading both the 94th Airlift Wing and Dobbins ARB. Although Dobbins is a small base in physical size, it also happens to be the largest multiservice Reserve training base in the world. Owned by the Air Force Reserve, Dobbins supports more than 10,000 guardsmen and reservists from the Army, Navy, Marines, and Air Force. It is home to nearly 50 aircraft assigned to different flying units and boasts more than 7,000 takeoffs and landings each month. This enormous flying mission is what General Kane manages on a daily basis, around, I would like to point out, one of the busiest airports in the Nation, Hartsfield-Jackson International Airport.

After our Nation was attacked on September 11, 2001, the military had to quickly adapt to a new mission. As operational tempo increased, commanders had to take on expanding roles. General Kane immediately took the necessary and innovative steps to transform the mission of Dobbins ARB and the 94th Airlift Wing. While Dobbins continued to embrace its role in training C–130 crew members and maintaining combat-ready units to deploy on short notice, General Kane had to ''batten down the hatches'' in the heightened security atmosphere. And in typical fashion, General Kane took on his force protection mission with vigor, even relishing in the nickname ''Bunker Bill,'' as he erected sandbags and barriers at the base.

General Kane began his impressive Air Force career after graduating from the State University of New York at Binghamton in 1969 with a bachelor's degree in biology. He entered the Air Force soon thereafter and obtained his commission through Officers Training School. After serving 5 years on active duty at Dyess Air Force Base, TX, General Kane joined the Reserves at Niagara Falls International Airport, NY, and served in the 328th Tactical Airlift Squadron while attending graduate school. He completed his graduate work in 1982 and was awarded his Ph.D. in cell and molecular biology. He then went on to conduct basic biological research as a postdoctoral fellow at the Fox Chase Cancer Institute in Philadelphia, PA, and the State University of New York at Buffalo, Buffalo, NY. He then joined the Air Reserve technician program in 1984 at March Air Force Base, CA. General Kane is a command pilot with more than 6,500 flying hours.

Looking back over General Kane's illustrious career thus far, I am reminded of a quote by Orison Swett Marden, a famed 19th century thinker. Marden stated that:

> the greatest thing a man can do in this world is to make the most possible out of the stuff that has been given to him. This is success and there is none other.

Officer, pilot, academic, scientist, husband, father. I believe that Marden, were he still alive today, would not hesitate to proclaim GEN William P. Kane a completely successful man. People spend most of their lives attempting to do one thing well. Few and far between are the people who have the courage to try and the determination to achieve success at multiple levels, as General Kane certainly has. And he is not finished.

I thank him for his years of service to the Air Force Reserve and to Georgia. I wish him and his family all the best as he continues with his Air Force career in Colorado and with all future endeavors. Georgia will miss General Kane. He is Georgia at its finest.●

MESSAGE FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 120. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

ENROLLED BILLS SIGNED

The message also announced the Speaker has signed the following enrolled bills and joint resolution:

H.R. 884. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. An act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The enrolled bills and joint resolution were signed subsequently by the Acting President pro tempore (Mr. FRIST).

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 8, 2003, the Speaker appoints the following individual on the part of the House of Representatives to the Election Assistance Commission Board of Advisors for a term of two years: Mr. J.C. Watts, Jr., of Norman, Oklahoma.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4278. An act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4417. An act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents; to the Committee on the Judiciary.

H.R. 4478. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2707. To provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes.

MEASURES READ FOR THE FIRST TIME

The following bill was read the first time:

H.R. 4359. An act to amend the Internal Revenue Code of 1986 to increase the child tax credit.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, June 25, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2017. An act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2180. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado (Rept. No. 108–285).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 2243. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska (Rept. No. 108–286).

H.R. 1648. A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District (Rept. No. 108–287).

H.R. 1732. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes (Rept. No. 108–288).

H.R. 3209. A bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project (Rept. No. 108–289).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2479. A bill to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes (Rept. No. 108–290).

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and * * *.

Cynthia G. Efird, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself, Mr. SARBANES, Ms. SNOWE, Mr. BREAUX, Mrs. BOXER, and Mr. LAUTENBERG):

S. 2606. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 1129

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 2016

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2016, a bill to provide for infant crib safety, and for other purposes.

S. 2088

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2109

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2109, a bill to provide for a 10-year extension of the assault weapons ban.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2498

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2498, a bill to provide for a 10-year extension of the assault weapons ban.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2603

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

AMENDMENT NO. 3541

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3541 proposed to H.R. 4613, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. SARBANES, Ms. SNOWE, Mr. BREAUX, Mrs. BOXER, and Mr. LAUTENBERG):

S. 2606. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, I am joined today by Senators SARBANES,

SNOWE, BREAUX, BOXER and LAUTENBERG in introducing legislation to reauthorize a highly successful and collaborative program known as the National Estuary Program (NEP).

In 1987, Congress created the NEP to restore designated estuaries of national significance. Since 1987, the EPA estimates that the NEP has preserved, restored or created approximately 719,000 habitat acres, and has leveraged $200 million in local, State and private sector funding, with an average leveraging ratio of 11 to 1. The NEP has accomplished this by fostering and maintaining strong partnerships among Federal, State and local governments, the private sector and local stakeholders, and by using a consensus, community-based approach with strong local control in developing and implementing their Comprehensive Conservation and Management Plans (CCMPs).

Today, there are 28 estuaries in the NEP, covering more than 42 percent of the continental U.S. shoreline. Nearly half of the U.S. population resides in coastal areas, with thousands of new residents arriving every year. In the United States, estuaries provide habitat for three-quarters of America's commercial fish catch, and 80–90 percent of the recreational fish catch.

Estuarine-dependent fisheries are among the most valuable, with an estimated worth of $1.9 billion nationwide. Coastal recreation and tourism generate an additional $8 to $12 billion annually. According to recent analyses by the Environmental Protection Agency (EPA), estuaries of the NEP employ 39 million people and support total economic output and employee wages estimated in the trillions. The tourism sector alone employs 1.2 million people and generates more than $87 billion in expenditures.

Despite their economic and environmental importance, the Nation's estuaries are under increasing threat by the many competing demands placed upon them. Estuaries in the NEP face numerous challenges, including over-enrichment of nutrients, loss of habitat, declines in fish and wildlife, and introduction of invasive species, causing severe declines in water quality, living resources and overall ecosystem health. According to the recent EPA National Coastal Condition Report describing the ecological and environmental conditions of U.S. coastal waters and estuary resources, the overall condition of our Nation's coastal waters is fair to poor, and 44 percent of estuarine habitats are impaired for human or aquatic life use.

The NEP offers an effective means to deal with these national problems. The flexible and collaborative nature of the NEP has allowed the local Estuary Programs to develop innovative approaches to address the problems facing estuarine systems, approaches uniquely tailored to local environmental conditions, and to the needs of local communities and constituencies. At the same time, the national structure provided by the NEP has facilitated the sharing of management approaches, technologies, and ideas that underscore this program's success. Indeed, the National Commission on Ocean Policy highlighted the NEP's focus ''on bringing together stakeholders in particular areas that are in or approaching a crisis situation.'' Additionally, the Commission found ''the assessment and planning process used by the NEP holds promise for the future of ecosystem-based management.''

Reauthorizing the NEP is an important step in the process of addressing the threats to the health and stability of our Nation's estuaries, which remain one of our Nation's most important economic and environmental resources. The legislation introduced today would reauthorize funding for the NEP at $35 million annually to provide the funds necessary for this program to succeed into the future. I look forward to working with my colleagues on reauthorization of the NEP in the months ahead.

I ask by unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL ESTUARY PROGRAM.

Section 320(i) of the Federal Water Pollution Control act (33 U.S.C. 1330(i)) is amended by striking ''2005'' and inserting ''2010''.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF J. LEON HOLMES

Mr. FRIST. I ask unanimous consent that at 9:45 a.m., on Tuesday, July 6, the Senate proceed to executive session for the consideration of Calendar No. 165, the nomination of J. Leon Holmes to be U.S. district judge for the Eastern District of Arkansas. I further ask consent that there then be 6 hours of debate equally divided between the chairman and ranking member or their designees; provided further that following that debate the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 676, 711, 713, 714, 716, 717, 718, 719, 721, 722, 723, 724, 726, 728, 730, and all nominations on the secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

DEPARTMENT OF STATE

James Francis Moriarty, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Benjamin A. Gilman, of New York, to be a Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Deputy Representative of the United States of America to the United Nations.

Joseph D. Stafford III, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Lewis W. Lucke, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

R. Niels Marquardt, of California, a Career Member of the Senior Foreign Service, Class of Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Charles P. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Suzanne Hale, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Ralph Leo Boyce, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

John Marshall Evans, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Tom C. Korologos, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Douglas L. McElhaney, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

William T. Monroe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN1645 Foreign Service nominations (173) beginning Jean Elizabeth Akers, and ending Jenifer Lynn Neidhart de Ortiz, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2004.

NOMINATIONS DISCHARGED

Mr. FRIST. Continuing in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: June Carter Perry, PN1548; Joyce Barr, PN1546; Barrie Walkley, PN1550; James McGee, PN1541, Cynthia Efird, PN1621; Jackson McDonald, PN1419; Christopher Dell, PN1629.

I further ask consent that the Senate proceed to their consideration, the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Cynthia G. Efird, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

AUTHORITY TO FILE

Mr. FRIST. I ask unanimous consent, notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, June 30, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the Senator from Virginia and the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. I ask unanimous consent, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 484, S. 2192.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2192) to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Madam President, I rise today to support passage of S. 2192, the Cooperative Research and Technology Enhancement Act of 2004 or CREATE Act. I am pleased that the Senate is considering this important patent legislation. I would like to thank Senators LEAHY, KOHL, GRASSLEY, FEINGOLD and SCHUMER, for their work on, and cosponsorship of, this bill.

The CREATE Act responds to an important need of our inventive community. This act will encourage greater cooperation among universities, public research institutions and the private sector. It does so by enabling these parties to share freely information among researchers that are working under a joint research agreement to develop new technology. It also allows these entities, particularly universities, to structure their relationships with other research collaborators in a more flexible manner.

The CREATE Act has benefited significantly from the commendable work of our colleagues in the House. In particular, we take note of the House Report, H. Rep. 108–425, which accompanied passage of H.R. 2391, the House counterpart of S. 2192. The committee notes that the House report addresses a number of important issues related to the implementation of the act, and provides necessary guidance to the Patent and Trademark Office as to its responsibilities under the legislation.

In the interest of further transparency and guidance, and importantly to prevent the public from being subject to separate enforcement actions by owners of patentably indistinct patents, we offer the following guidance on some key aspects of this legislation. We believe that this guidance is entirely consistent with the policy objectives of the House Report, but explicate some of the most critical and complex aspects of the intended operation of the CREATE Act where multiple patents issue on the patentably indistinct inventions.

As the House report correctly notes, the CREATE Act will enable different parties to obtain and separately own patents with claims that are not patentably distinct—in other words, where the claim in one patent would be ''obvious'' in view of a claim in the other patent. The courts and the U.S. Patent and Trademark Office term this ''nonstatutory'' and ''obviousness-type'' double patenting. This is not the first time that Congress has amended the patent laws in a manner that has expanded opportunities for double patenting. The Patent Law Amendments Act of 1984 first created the opportunity for double patenting for patents issued to different inventors that were owned by one entity or which were commonly assigned. In the legislative history for the Patent Law Amendments Act of 1984, Congress indicated its expectation that any newly created opportunities for double patenting would be treated no differently than double patenting for patents issued to the same inventor. We do the same today with respect to the remedial provision in the CREATE Act, but discuss

the form of disclaimer that is required of the patent owner whenever double patenting exists.

At its core, the double patenting doctrine addresses the situation where multiple patents have issued with respective claims in the different patents that meet one or more of the relationship tests set out by the courts. Double patenting can arise when the two involved patents are determined not to relate to independent and distinct inventions. It can also arise if a claim in a later-issued patent would not be novel with respect to a claim in a first-issued patent. A third type of double patenting—and perhaps the most common—is where a claim in a later-issued patent is obvious in view of a claim in a first-issued patent. Whatever the relationship that forms the basis for the double patenting, the current principles governing double patenting should be applied to all such situations involving the issuance of double patents where the provisions of the CREATE Act apply.

The double patenting doctrine exists as a matter of policy to prevent a multiplicity of patents claiming patentably indistinct inventions from becoming separately owned and enforced. Thus, it applies to situations where multiple patents have issued, even if the patents are filed on the same day, issue on the same day and expire on the same day. All that is required for double patenting to arise is that one or more claims in each of the involved patents is determined to represent double patenting under established principles of law. The double patenting doctrine can invalidate claims in any later or concurrently issued patent if those claims are determined to represent double patenting with respect to any of the claims in a first-issued patent. For clarity, any later or concurrently issued patent that creates double patenting can simply be termed a ''patentably indistinct patent'' with respect to the first-issued patent.

Invalidity of the patentably indistinct claims under the doctrine of double patenting can be avoided, however, if an appropriate disclaimer is filed in the patent containing those claims. Under existing practice in the U.S. Patent and Trademark Office, the disclaimer must be filed in the patent with the patentably indistinct claims and must reference the first-issued patent against which the disclaimer applies. Thus, the disclaimer only affects the ability to enforce the disclaimed patent, and historically has not affected the enforceability of the first-issued patent against which the disclaimer has been made. Accordingly, under existing double patenting principles, if the indistinct patent becomes separately owned, i.e., such that it can be separately enforced, the disclaimed patent is rendered invalid in accordance with the terms of the required disclaimer, while the first-issued patent's enforceability is unaffected.

Patents issued after enactment of the CREATE Act will be enforceable in the same manner and to the same extent as when patents are issued to a common owner or are subject to common assignment. One modification of existing disclaimer practice, however, is needed for double patenting to achieve its policy objectives where the CREATE Act applies. The CREATE Act will now permit patents with patentably indistinct claims to be separately owned, but remain valid. Heretofore, this separate ownership would have rendered the indistinct patent invalid. To protect the public interest, these separately owned patents must be subjected to a new form of disclaimer that will protect the public against separate actions for enforcement of both the first-issued patent and any patents with claims that are not patentably distinct over the claims of the first-issued patent.

Accordingly, in every situation where double patenting is created based upon revised section 103(c), the patentably indistinct patent must include a disclaimer that will require the owner of that patent to waive the right to enforce that patent separately from the first-issued patent. The disclaimer also must limit, as is required for all disclaimers related to double patenting, the disclaimed patent such that it can be enforced only during the term of the first-issued patent.

Additionally, the disclaimer required for the valid issuance of a patentably indistinct patent pursuant to the CREATE Act must apply to all owners of all involved patents, i.e., the owner of the patentably indistinct patents as well as any owners of any first-issued patents against which the disclaimer is made. In order for this to be the case, the CREATE Act effectively requires parties that separately own patents subject to the CREATE Act to enter into agreements not to separately enforce patents where double patenting exists and to join in any required disclaimer if the parties intend to preserve the validity of any patentably indistinct patent for which a disclaimer is required.

To give effect to this requirement, the disclaimer in the patentably indistinct patent must be executed by all involved patent owners, as the right to separately enforce the first-issued patent apart from the patentably indistinct patent cannot be avoided unless the owner of the first-issued patent has disclaimed its right to do so. If an enforcement action is brought with respect to a patentably indistinct patent, but the owner of the first-issued patent was not a party to the disclaimer, and had not disclaimed separate enforceability of the first-issued patent once an enforcement action had been commenced on the indistinct patent, the owner of the first-issued patent could not legally be prevented from bringing a later action for infringement against the same party absent disclaiming the right to do so. Thus, the disclaimer of the separate enforceability of an indistinct patent cannot be assured unless the owner of a second indistinct patent has an agreement with the owner of the first-owned patent prohibiting the right of separate enforcement. The CREATE Act will not require the owner of a first-issued patent or an indistinct patent to enforce any such patent. Rather, the prohibition against separate enforcement described above is necessary to address the sole policy objective of preventing different patent owners from separately enforcing a first-issued patent and a related indistinct patent.

Also as indicated in the House report, we expect the U.S. Patent and Trademark Office to take such steps as are necessary to implement the requirements of this act in the manner we have described. In particular, the Patent and Trademark Office should exercise its responsibility for determining the necessity for, and for requiring the submission and recording of, disclaimers in patent applications and to promulgate such regulations as are necessary including, inter alia, rules analogous to 37 CFR §1.321, that requires disclaimers in patent applications where double patenting exists. To meet the requirements of the act, the parties to the joint research agreement must agree to accept the conditions concerning common term and the prohibition against separate patent enforcement and all involved parties must agree to be signatories to any required terminal disclaimer. I do not believe any particular form need be followed to give effect to this requirement, and that the Office will address these issues pursuant to its implementation of the act.

The House indicated in its committee report that a joint research agreement may be evidenced by one or more writings. I note that evidence of a joint research agreement may take the form of cooperative research and development agreements, CRADAs, material transfer agreements MTAs, or other written contracts or multiple written documents or contracts covering various parties or aspects of the written agreement. As the House Committee indicated in its report, such writing or writings must demonstrate that a qualifying ''joint research agreement'' existed prior to the time the claimed invention was made and that the claimed invention was derived from activities performed by or on behalf of parties that acted within the scope of the agreement. Also, parties to a joint research agreement who seek to benefit from the Act must be identified in the application for a patent or an amendment thereto so the public will have full notice of those patents that have issued pursuant to the provisions of this Act.

As the House Judiciary Committee also noted in its report, the act, pursuant to section 3 of the act, pending patent applications could claim the benefit of the provisions of the act. Thus, an existing joint research agreement

existing prior to the date of enactment can be used to qualify an application to claim the benefits of the act. Such applications, i.e., those pending on the date of enactment of the act, however, must comply with all of the requirements of the Act, including not only the requirements for disclosure among the parties to the agreement, but also the applicable requirement for a terminal disclaimer. The terminal disclaimer obligations, i.e., that all parties to the joint research agreement consent to having any related patents the first-issued patent and patentably indistinct patents, be bound by the requirements of the Act and the disclaimer be executed by all the owners of such patents, shall provide a means for the U.S. Patent and Trademark Office to confirm that each party to an otherwise eligible joint research agreement that is cited to claim the benefits for an application pending as of the date of enactment of the act has consented to have the act so apply to that application. Thus, associated with any patent application pending on the date of enactment of the act, there will be written evidence of an agreement of the parties to the joint research agreement to affirmatively claim the benefits of, and to be bound by the requirements of, the CREATE Act, by the act of the parties to the joint research agreement recording evidence of their agreement in the same manner as evidence of documents that affect some interest in an application or patent are now recorded with the Patent and Trademark Office.

Before I yield, I would like to thank the cosponsors and their respective staffs for their work on this legislation. In particular, I commend Susan Davies, Jeff Miller, Dan Fine, Dave Jones, and Tom Sydnor for their hard work on this issue. Also, I extend my heartfelt gratitude to Katie Stahl for her hard work on this, and numerous other issues. I was informed today that she will be leaving the Judiciary Committee staff in a couple of weeks, and I want to take this opportunity to acknowledge publicly how sorely she will be missed.

Mr. LEAHY. I am pleased that today the Senate will pass the Cooperative Research and Technology Enhancement Act, the CREATE Act of 2004. As I have noted before, the United States Congress has a long history of strong intellectual property laws, and the Constitution charges us with the responsibility of crafting laws that foster innovation and ensure that creative works are guaranteed their rightful protections. This past March, I joined with Senator HATCH, Senator KOHL, and Senator FEINGOLD in introducing the CREATE Act, which will provide a needed remedy to one aspect of our nation's patent laws.

Our bill is a narrow one that promises to protect American jobs and encourage additional growth in America's information economy.

In 1980, Congress passed the Bayh-Dole Act, which encouraged private entities and not-for-profits such as universities to form collaborative partnerships that aid innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. Thanks to the Bayh-Dole Act, the number of patents universities have been issued in more recent years has surpassed two thousand—adding billions of dollars annually to the US economy.

The CREATE Act corrects for a provision in the Bayh-Dole Act which, when read literally, runs counter to the intent of that legislation. In 1997, the United States Court of Appeals for the Federal Circuit ruled, in Oddzon Products, Inc. v. Just Toys, Inc., that non-public information may in certain cases be considered ''prior art''—a standard which generally prevents an inventor from obtaining a patent. The Oddzon ruling was certainly sound law, but it was not sound public policy, and as a result some collaborative teams have been unable to receive patents for their work. As a consequence, there is a deterrent from forming this type of partnership, which has proved so beneficial to universities, the private sector, the American worker, and the U.S. economy.

Recognizing Congress' intended purpose in passing the Bayh-Dole Act, the Federal Circuit invited Congress to better conform the language of the act to the intent of the legislation. The CREATE Act does exactly that by ensuring that non-public information is not considered ''prior art'' when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill that the Senate is passing today also includes strict evidentiary burdens to ensure that the legislation is tailored narrowly so as only to achieve this goal that—although narrow—is vitally important.

I also wish to draw attention to Senator HATCH's thoughtful explication of some of the more complex issues surrounding the CREATE Act. I agree entirely with his comments, which I believe will prove useful for those seeking a background understanding of this legislation.

I wish to thank my colleagues for their support of this bill, and to thank in particular Senator HATCH, Senator KOHL, Senator FEINGOLD, Senator GRASSLEY, and Senator SCHUMER for their hard work in gaining this bill's passage.

Mr. FRIST. I further ask consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2192) was read the third time and passed, as follows:

S. 2192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cooperative Research and Technology Enhancement (CREATE) Act of 2004''.

SEC. 2. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

''(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

''(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

''(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

''(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to any patent granted on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—The amendments made by this Act shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

PROTECTING INTELLECTUAL RIGHTS AGAINST THEFT AND EXPROPRIATION ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 485, S. 2237.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2237) to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, today the Senate has taken a strong step forward to encourage the distribution of music, films, books, and software on the Internet. For too long the very ease of duplication and distribution

that is the hallmark of digital content has meant that piracy of that content is just as easy. The very real—and often realized—threat that creative works will simply be duplicated and distributed freely online has restricted, rather than enhanced, the amount and variety of creative works one can receive over the Internet.

There is no single solution to the problem of copyright infringement. Part of combating piracy includes offering a legal alternative to it. Another important part is enforcing the rights of copyright owners. We have already taken some steps to do this. The Allen-Leahy Amendment to the Foreign Operations Appropriations Bill, on Combating Piracy of U.S. Intellectual Property in Foreign Countries, provided $2.5 million for the Department of State to assist foreign countries in combating piracy of U.S. copyrighted works. By providing equipment and training to law enforcement officers, the measure will help those countries that are not members of the OECD—Organization for Economic Cooperation & Development—to enforce intellectual property protections.

The PIRATE Act represents another critically important part of the attack. It will bring the resources and expertise of the United States Attorneys' Offices to bear on wholesale copyright infringers. For too long these attorneys have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament.

The PIRATE act responds to this problem by allowing the United States to continue to enforce existing criminal penalties for intellectual property violations, while providing new civil copyright enforcement remedies to ensure that American creativity and expression continue to thrive. The availability of civil penalties allows prosecutors to help curtail widespread piracy, and at the same time recognizes that handcuffs for infringers is often not the appropriate response.

Although we are debating several divisive issues during this Congress, I am pleased to see that we can all agree that the promise of the digital age can only be fulfilled if we empower our Federal prosecutors to protect the important rights enshrined in the Copyright Act. Senators HATCH, SCHUMER, ALEXANDER and I recognize this need, and I thank them for working with me to produce this important, bipartisan piece of legislation.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed with no intervening action or debate and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2237) was read the third time and passed, as follows:

S. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Intellectual Rights Against Theft and Expropriation Act of 2004''.

SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

''§ 506a. Civil penalties for violations of section 506

''(a) IN GENERAL.—The Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

''(b) OTHER REMEDIES.—

''(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law or administrative remedy, which is available by law to the United States or any other person;

''(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.''.

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(1) by inserting '', or the Attorney General in a civil action,'' after ''The copyright owner''; and

(ii) by striking ''him or her'' and inserting ''the copyright owner''; and

(B) in the second sentence by inserting ''; or the Attorney General in a civil action,'' after ''the copyright owner''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(B) in paragraph (2), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

''506a. Civil penalties for violation of section 506.''.

SEC. 3. AUTHORIZATION OF FUNDING FOR TRAINING AND PILOT PROGRAM.

(a) TRAINING AND PILOT PROGRAM.—Not later than 180 days after enactment of this Act, the Attorney General shall develop a program to ensure effective implementation and use of the authority for civil enforcement of the copyright laws by—

(1) establishing training programs, including practical training and written materials, for qualified personnel from the Department of Justice and United States Attorneys Offices to educate and inform such personnel about—

(A) resource information on intellectual property and the legal framework established both to protect and encourage creative works as well as legitimate uses of information and rights under the first amendment of the United States Constitution;

(B) the technological challenges to protecting digital copyrighted works from online piracy;

(C) guidance on and support for bringing copyright enforcement actions against persons engaging in infringing conduct, including model charging documents and related litigation materials;

(D) strategic issues in copyright enforcement actions, including whether to proceed in a criminal or a civil action;

(E) how to employ and leverage the expertise of technical experts in computer forensics;

(F) the collection and preservation of electronic data in a forensically sound manner for use in court proceedings;

(G) the role of the victim copyright owner in providing relevant information for enforcement actions and in the computation of damages; and

(H) the appropriate use of injunctions, impoundment, forfeiture, and related authorities in copyright law;

(2) designating personnel from at least 4 United States Attorneys Offices to participate in a pilot program designed to implement the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(3) reporting to Congress annually on—

(A) the use of the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(B) the progress made in implementing the training and pilot programs described under paragraphs (1) and (2) of this subsection.

(b) ANNUAL REPORT.—The report under subsection (a)(3) may be included in the annual performance report of the Department of Justice and shall include—

(1) with respect to civil actions filed under subsection 506a of title 17, United States Code, as added by this Act—

(A) the number of investigative matters received by the Department of Justice and United Sates Attorneys Offices;

(B) the number of defendants involved in those matters;

(C) the number of civil actions filed and the number of defendants involved;

(D) the number of civil actions resolved or terminated;

(E) the number of defendants involved in those civil actions;

(F) the disposition of those civil actions, including whether the civil actions were settled, dismissed, or resolved after a trial;

(G) the dollar value of any civil penalty imposed and the amount remitted to any copyright owner; and

(H) other information that the Attorney General may consider relevant to inform Congress on the effective use of the civil enforcement authority;

(2) a description of the training program and the number of personnel who participated in the program; and

(3) the locations of the United States Attorneys Offices designated to participate in the pilot program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2005 to carry out this section.

ARTISTS' RIGHTS AND THEFT PREVENTION ACT OF 2004

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 482, S. 1932.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1932) to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibit facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Artists' Rights and Theft Prevention Act of 2003'' or the ''ART Act''.

[SEC. 2. CONGRESSIONAL FINDINGS.

[Congress finds the following:

[(1) Intellectual property, among other things, represents the ideas, imagination and creativity needed to innovate long before a product is brought to market. As such, it is fundamental to the continued economic, social, and cultural development of society and deserves the protection of our laws.

[(2) Music, film, software, and all forms of intellectual property represent one of the strongest and most significant sectors of the United States economy, as demonstrated by the fact that these industries

[(A) accounted for more than 5 percent of the United States Gross Domestic Product (GDP), or $535,100,000,000 in 2001;

[(B) employ almost 6 percent of all United States employment; and

[(C) led all major industry sectors in foreign sales and exports in 2001.

[(3) In an attempt to combat the growing use of the Internet and technology for the illegal reproduction and distribution of copyrighted materials, Congress unanimously passed and President Clinton signed the ''No Electronic Theft'' or ''NET'' Act in 1997. The NET Act is designed to strengthen copyright and trademark laws and to permit the prosecution of individuals in cases involving large scale illegal reproduction or distribution of copyrighted works where the infringers act willfully.

[(4) Under the NET Act's requirement of economic harm, investigations by law enforcement of copyright infringements are particularly resource intensive and pose significant challenges. In the interest of broader deterrence and in order to facilitate the prosecution of particularly egregious copyright violations, it is important to recognize that a significant level of economic harm can be reached by the distribution of so called ''prelease'' commercial works.

[(5) The use of camcorders and other audiovisual recording devices in movie theaters to make illegal copies of films is posing a serious threat to the motion picture industry. According to a recent industry study, 92.4 percent of the first copies of movies available for download on the Internet originate from camcorders.

[(6) Given the difficulty of enforcement, online theft of music, film, software, and all forms of intellectual property continues to rise. The negative effects on this large segment of the United States economy are significant, as exemplified by almost a 31 percent drop in sales for the music industry from mid-year 2000 to mid-year 2003, which even critics of the industry acknowledge to be heavily influenced by the rampant distribution of pirated music.

[(7) Federal legislation is necessary and warranted to combat the most egregious forms of online theft of intellectual property and its significant, negative economic impact on the United States economy because

[(A) Article 1, section 8 of the Constitution confers upon Congress the power ''[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries,'' as well as the power ''[t]o regulate Commerce with foreign nations, and among the several States.'';

[(B) the importance of the music, film, software and other intellectual property-based industries to the overall health of the United States economy is well documented and significant; and

[(C) theft and distribution of intellectual property across State and international lines occurs on a regular basis.

[SEC. 3. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

[(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding after section 2319A the following new section:

[''§ 2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

[''(a) OFFENSE.—Whoever, without the consent of the copyright owner, knowingly uses or attempts to use an audiovisual recording device in a motion picture exhibition facility to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, United States Code, or any part thereof, in a motion picture exhibition facility shall—

[''(1) be imprisoned for not more than 3 years, fined under this title, or both; or

[''(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

[''(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, United States Code, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

[''(c) AUTHORIZED ACTIVITIES.—This section does not prevent any lawfully authorized investigative; protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with the United States, a State, or a political subdivision of a State.

[''(d) VICTIM IMPACT STATEMENT.—

[''(1) IN GENERAL.—During the preparation of the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

[''(2) CONTENTS.—A victim impact statement submitted under this subsection shall include—

[''(A) producers and sellers of legitimate works affected by conduct involved in the offense;

[''(B) holders of intellectual property rights in the works described in subparagraph (A); and

[''(C) the legal representatives of such producers, sellers, and holders.

[''(e) DEFINITIONS.—As used in this section, the following definitions shall apply:

[''(1) AUDIOVISUAL WORK, COPY, AND MOTION PICTURE.—The terms 'audiovisual work', 'copy', and 'motion picture' have, respectively, the meanings given those terms in section 101 of title 17, United States Code.

[''(2) AUDIOVISUAL RECORDING DEVICE.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.

[''(3) MOTION PICTURE EXHIBITION FACILITY.—The term 'motion picture exhibition facility' means any theater, screening room, lobby, indoor or outdoor screening venue, ballroom, or other premises where copyrighted motion pictures or other audiovisual works are publicly exhibited, regardless of whether an admission fee is charges.''.

[(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

[''2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.''.

[SEC. 4. CRIMINAL INFRINGEMENT OF A COMMERCIAL PRERELEASE COPYRIGHTED WORK.

[Section 2319 of title 18, United States Code, is amended—

[(1) by redesignating subsection (e) as subsection (f); and

[(2) by adding after subsection (d) the following:

[''(e)(1) For purposes of subsections (b) and (c) of this section and of section 506(a) of title 17, United States Code, in the case of a computer program, a nondramatic musical work, a motion picture or other audio-visual work, or a sound recording protected under title 17, United States Code, that is being prepared for commercial distribution, it shall be conclusively presumed that a person distributed at least 10 copies or phonorecords of the work, and that such copies or phonorecords have a total retail value of more than $2,500, if that person—

[''(A) distributes such work by making it available on a computer network accessible to members of the public who are able to reproduce the work through such access without the express consent of the copyright owner; and

[''(B) knew or should have known that the work was intended for commercial distribution.

[''(2) For purposes of paragraph (1), a work protected under title 17, United States Code, is being prepared for commercial distribution—

[''(A) when at the time of unauthorized distribution, the copyright owner had a reasonable expectation of substantial commercial distribution and the work had not yet been so distributed; or

[''(B) in the case of a motion picture, protected under title 17, United States Code, when at the time of unauthorized distribution, the work had been made available for

viewing in motion picture exhibition facilities, but had not been made available to the general public in the United States in a format intended to permit viewing outside motion picture exhibition facilities as defined in section 2319B.''.

[SEC. 5. CIVIL REMEDIES FOR INFRINGEMENT OF A COMMERCIAL PRERELEASE COPYRIGHTED WORK.

[Section 504(b) of title 17, United States Code, is amended—

[(1) by striking the first instance of ''The copyright'' and inserting the following:

[''(1) IN GENERAL. The copyright''; and (2) by adding at the end the following:

[''(2) DAMAGE FOR PRERELEASE INFRINGEMENT.—

[''(A) IN GENERAL. In the case of a computer program, a non-dramatic musical work, a motion picture or other audiovisual work, or a sound recording protected under title 17, United States Code, that is being prepared for commercial distribution, actual damages shall be presumed conclusively to be no less that $2,500 per infringement, if a person—

[''(i) distributes such work by making it available on a computer network accessible to members of the public who are able to reproduce the work through such access without the express consent of the copyright owner; and

[''(ii) knew or should have known that the work was intended for commercial distribution.

[''(B) WORK PREPARED FOR DISTRIBUTION. For purposes of subparagraph (A), a work protected under this title is being prepared for commercial distribution—

[''(i) when at the time of unauthorized distribution, the copyright owner had a reasonable expectation of substantial commercial distribution and the work had not yet been so distributed; or

[''(ii) in the case of a motion picture, protected under this title, when at the time of unauthorized distribution, the work had been made available for viewing in motion picture exhibition facilities, but had not been made available to the general public in the United States in a format intended to permit viewing outside motion picture exhibition facilities as defined in section 2319B of title 18.''.

SEC. 6. SENTENCING GUIDELINES.

[(a) IN GENERAL. Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall—

[(1) review the Federal sentencing guidelines with respect to offenses involving the illegal reproduction and distribution of copyrighted works in violation of Federal law, including violations of section 2319 and section 2319B of title 18, United States Code;

[(2) amend the Federal sentencing guidelines, as necessary, to provide for increased penalties for offenses involving the illegal reproduction and distribution of works protected under title 17, United States Code, in a manner that reflects the serious nature of, and need to deter, such offenses;

[(3) submit a report to Congress that details its findings and amendments; and

[(4) take such other action that the Commission considers necessary to carry out this Act.

[(b) CONSULTATION.—In carrying out this section, the United States Sentencing Commission shall seek input from the Department of Justice, copyright owners, and other interested parties.

[SEC. 7. AUTHORIZATION.

[There is authorized to be appropriated to the Department of Justice an additional $5,000,000 for each of fiscal years 2005, 2006, 2007, 2008, and 2009 to prosecute violations of section 2319 of title 18, United States Code.]

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Artists' Rights and Theft Prevention Act of 2004'' or the ''ART Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) Intellectual property—

(A) represents the ideas, imagination and creativity needed to innovate long before a product is brought to market;

(B) is fundamental to the continued economic, social, and cultural development of society; and

(C) deserves the protection of our laws.

(2) Music, film, software, and all other forms of intellectual property represent one of the strongest and most significant sectors of the United States economy, as demonstrated by the fact that these industries—

(A) accounted for more than 5 percent of the United States Gross Domestic Product, or $535,100,000,000 in 2001;

(B) represent almost 6 percent of all United States employment; and

(C) led all major industry sectors in foreign sales and exports in 2001.

(3) In an attempt to combat the growing use of the Internet and technology for the illegal reproduction and distribution of copyrighted materials, Congress unanimously passed and President Clinton signed the ''No Electronic Theft (NET) Act'' in 1997. The NET Act is designed to strengthen copyright and trademark laws and to permit the prosecution of individuals in cases involving large-scale illegal reproduction or distribution of copyrighted works where the infringers act willfully.

(4) Under the No Electronic Theft (NET) Act's economic harm requirement, investigations by law enforcement of copyright infringements are particularly resource intensive and pose significant challenges. In the interest of broader deterrence and in order to facilitate the prosecution of particularly egregious copyright violations, it is important to recognize that a significant level of economic harm can be reached by the distribution of prerelease commercial works.

(5) The use of camcorders and other audiovisual recording devices in movie theaters to make illegal copies of films is posing a serious threat to the motion picture industry. According to a recent industry study, 92.4 percent of the first copies of movies available for download on the Internet originate from camcorders.

(6) Given the difficulty of enforcement, online theft of music, film, software, and all forms of intellectual property continues to rise. The negative effects on this large segment of the United States economy are significant, as exemplified by almost a 31 percent drop in sales for the music industry from the middle of 2000 to the middle of 2003.

(7) Federal legislation is necessary and warranted to combat the most egregious forms of online theft of intellectual property and its significant, negative economic impact on the United States economy because—

(A) Article 1, section 8 of the United States Constitution gives Congress the power ''[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries,'' as well as the power ''[t]o regulate Commerce with foreign nations, and among the several States.'';

(B) the importance of the music, film, software and other intellectual property-based industries to the overall health of the United States economy is well documented and significant; and

(C) theft and unauthorized distribution of intellectual property across State and international lines occurs on a regular basis.

SEC. 3. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

''§2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

''(a) OFFENSE.—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

''(1) be imprisoned for not more than 3 years, fined under this title, or both; or

''(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

''(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

''(c) AUTHORIZED ACTIVITIES.—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting under a contract with the United States, a State, or a political subdivision of a State.

''(d) IMMUNITY FOR THEATERS.—With reasonable cause, the owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture being exhibited, or the agent or employee of such licensor—

''(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section for the purpose of questioning or summoning a law enforcement officer; and

''(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

''(e) VICTIM IMPACT STATEMENT.—

''(1) IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

''(2) CONTENTS.—A victim impact statement submitted under this subsection shall include—

''(A) producers and sellers of legitimate works affected by conduct involved in the offense;

''(B) holders of intellectual property rights in the works described in subparagraph (A); and

''(C) the legal representatives of such producers, sellers, and holders.

''(f) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) TITLE 17 DEFINITIONS.—The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in sections 101 of title 17.

''(2) AUDIOVISUAL RECORDING DEVICE.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual

work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

''2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.''.

''(c) DEFINITION.—Section 101 of title 17, United States Code, is amended by inserting after the definition of ''Motion pictures'' the following:

''The term 'motion picture exhibition facility' means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.''.

SEC. 4. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PROHIBITED ACTS.—Seciton 506(a) of title 17, United States Code, is amended to read as follows:

''(a) CRIMINAL INFRINGEMENT.—

''(1) IN GENERAL.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

''(A) for purposes of commercial advantage or private financial gain;

''(B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

''(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public if such person knew or should have known that the work was intended for commercial distribution.

''(2) EVIDENCE.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

''(3) DEFINITION.—In this subsection, the term 'work being prepared for commercial distribution' means—

''(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if at the time of unauthorized distribution—

''(i) the copyright owner has a reasonable expectation of commercial distribution; and

''(ii) the copies or phonorecords of the work have not been commercially distributed; or

''(B) a motion picture, if at the time of unauthorized distribution, the motion picture—

''(i) has been made available for viewing in a motion picture exhibition facility; and

''(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.''.

(b) CRIMINAL PENALTIES.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Whoever'' and inserting ''Any person who''; and

(B) by striking ''and (c) of this section'' and inserting '', (c), and (d)'';

(2) in subsection (b), by striking ''section 506(a)(1)'' and inserting ''section 506(a)(1)(A);

(3) in subsection (c), by striking ''section 506(a)(2) of title 17, United States Code'' and inserting ''section 506(a)(1)(B) of title 17'';

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

''(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

''(1) shall be imprisoned not more than 3 years, fined under this title or both;

''(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

''(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

''(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2).''; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the term 'financial gain' has the meaning given the term in section 101 of the title 17; and

''(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.''.

SEC. 5. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PREREGISTRATION.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

''(f) PREREGISTRATION OF WORKS BEING PREPARED FOR COMMERCIAL DISTRIBUTION.—

''(1) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

''(2) CLASS OF WORKS.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

''(3) APPLICATION FOR REGISTRATION.—Not later than 3 months after the first publication of the work, the applicant shall submit to the Copyright Office—

''(A) an application for registration of the work;

''(B) a deposit; and

''(C) the applicable fee.

''(4) EFFECT OF UNTIMELY APPLICATION.—An action for infringement under this chapter shall be dismissed, and no award of statutory damages or attorney fees shall be made for a preregistered work, if the items described in paragraph 3 are not submitted to the Copyright Office in proper form within the earlier of—

''(A) 3 months after the first publication of the work; or

''(B) 1 month after the copyright owner has learned of the infringement.''.

(b) INFRINGEMENT ACTIONS.—Section 411(a) of title 17, United States Code, is amended by inserting ''preregistration or'' after ''shall be instituted until''.

(c) EXCLUSION.—Section 412 of title 17, United States Code, is amended by inserting '', an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement'' after ''section 106A(a)''.

SEC. 6. FEDERAL SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this subsection, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of ''uploading'' set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who broadly distribute copyrighted works without authorization over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyright material has been reproduced or distributed.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appointed to the Department of Justice $5,000,000 for each of the fiscal years 2005, 2006, 2007, 2008, and 2009 to prosecute violations of intellectual property rights as set forth under sections 2318, 2319, 2319A, 2319B, and 2320 of title 18, United States Code.

Mr. LEAHY. Madam President, I am glad that the Senate can today pass the ART Act, a piece of legislation that will help protect America's movies from a form of piracy that has become all too prevalent. This legislation will provide law enforcement with another important tool in fighting the harms wreaked by intellectual property theft, which robs our innovators—not to mention all those working behind the scenes—of compensation owed to them for producing films that carry American culture around the globe. The Motion Picture Association of America estimates that the movie industry loses $3 billion worldwide to piracy each and every year.

Too often, we think of movie piracy as a disease whose symptoms are manifest only in foreign territories. While it is true that much of the movie industry's losses occur due to lax intellectual property enforcement in countries where the authorities are either ill-equipped or disinclined to enforce creators' rights, there is much we can do in this country to get our own IP house in order.

I appreciate that Senator HATCH, Senator FEINSTEIN, and Senator CORNYN have been so willing to address my concerns that the bill as introduced might inadvertently have a negative impact on the TEACH Act. In the 107th Congress, Senator HATCH and I worked

to pass the TEACH Act, which ensured that educators could use limited portions of dramatic literary and musical works, audiovisual works, and sound recordings, in addition to the complete versions of non-dramatic literary and musical works that were already permitted, and that they could use the Internet to do so.

I also appreciate my colleagues' willingness to eliminate the presumptions in the criminal liability provisions, and to take up the Copyright Office's creative ideas for addressing pre-release works.

Were it not for their willingness to address these concerns, I would not have been able to offer my support for this bill. I thank my colleagues for their assurances as well as for their hard work in gaining passage of this important legislation.

Mr. FRIST. I ask unanimous consent that the committee substitute amendment be adopted, the bill, as amended, be read the third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1932), as amended, was read the third time, and passed.

SERVITUDE AND EMANCIPATION ARCHIVAL RESEARCH CLEARINGHOUSE ACT OF 2005

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 589, S. 1292.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1292) to establish a servitude and emancipation archival research clearinghouse in the National Archives.

There being no objection, the Senate proceeded to consider the bill had been reported from the Committee on Governmental Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servitude and Emancipation Archival Research ClearingHouse Act of 2003'' or the ''SEARCH Act of 2003''.

SEC. 2. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall establish, as a part of the National Archives, a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

(b) MAINTENANCE.—The database established by this Act shall be maintained by the National Historical Publications and Records Commission.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to establish the national database authorized by this Act; [and]

(2) such sums as are necessary to operate and maintain the national database authorized by this Act; and

[(2)]*(3)* $5,000,000 to provide grants to States [and colleges and universities,] *colleges and universities, libraries, and museums* to preserve local records of servitude and emancipation.

Mr. FRIST. Madam President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1292), as amended, was read the third time and passed, as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servitude and Emancipation Archival Research ClearingHouse Act of 2004'' or the ''SEARCH Act of 2004''.

SEC. 2. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall establish, as a part of the National Archives, a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

(b) MAINTENANCE.—The database established by this Act shall be maintained by the National Historical Publications and Records Commission.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to establish the national database authorized by this Act;

(2) such sums as are necessary to operate and maintain the national database authorized by this Act; and

(3) $5,000,000 to provide grants to States, colleges and universities, libraries, and museums to preserve local records of servitude and emancipation.

IDENTITY THEFT PENALTY ENHANCEMENT ACT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1731, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1731) to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1731) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 4359

Mr. FRIST. Madam President, I understand that H.R. 4359 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

Mr. FRIST. Madam President, I ask for its second reading, and in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

MEASURE PLACED ON THE CALENDAR—H.R. 1218

Mr. FRIST. Madam President, I understand there is a bill at the desk which is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time by title.

The legislative clerk read as follows:

A bill (H.R. 1218) to require contractors with the Federal Government to possess a satisfactory record of integrity and business ethics.

Mr. FRIST. Madam President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

TRIBAL FOREST PROTECTION ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3846 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3846) to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3846) was read the third time and passed.

ORDERS FOR TUESDAY, JULY 6, 2004

Mr. FRIST. I ask unanimous consent when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, July 6. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session as provided earlier.

I further ask consent that the Senate recess from 12:30 until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Tuesday, July 6, the Senate will be in executive session for the consideration of a district court nomination. We would expect a vote on the nomination Tuesday afternoon between 5 and 5:45. We will also begin consideration of the class action fairness legislation. I encourage Members to be ready Tuesday evening and through the week for discussion on the class action bill. As I mentioned earlier, this bill has strong bipartisan support. I hope we can begin work quickly on the bill and complete action on the bill in a reasonable timeframe. It is an important piece of legislation and one many Members feel very strongly about and look forward to completing.

We will have votes throughout the week as we return to business following the Fourth of July break. It will be a very busy week with time spent on class action.

ADJOURNMENT UNTIL 9:45 A.M., TUESDAY, JULY 6, 2004

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 120.

There being no objection, the Senate, at 11:40 a.m., adjourned until Tuesday, July 6, 2004, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 25, 2004:

DEPARTMENT OF STATE

JAMES FRANCIS MORIARTY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

BENJAMIN A. GILMAN, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

JOSEPH D. STAFFORD III, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GAMBIA.

LEWIS W. LUCKE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

R. NIELS MARQUARDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

CHARLES P. RIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

SUZANNE HALE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

RALPH LEO BOYCE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JOHN MARSHALL EVANS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

TOM C. KOROLOGOS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DOUGLAS L. MCELHANEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

WILLIAM T. MONROE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

JACKSON MCDONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

CYNTHIA G. EFIRD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT H. HANSON AND ENDING DONNA M. BLAIR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2004.